



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2020

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THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

W.P. (MD) No.4113 of 2020

Arumuga Rajan

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli, Tirunelveli District.

2.The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, by directing the second respondent to permit the petitioner to conduct Naiyandi Melam and Maguda Isai during Consecration festival and Kodai Festival in Uvari Sri Pottal Esakki Amman Thirukkivil, Uvari Village, Thisaiyanvilai Taluk, Tirunelveli District from 02.03.2020 to 03.03.2020 about 06.00 p.m., to 12.00 a.m., and provide adequate police protection.

For Petitioner : Mr.T.Lenin Kumar

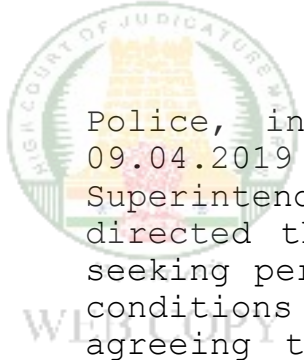
For Respondents : Mrs.S.Bharathi
Government Advocate(Crl.Side)

ORDER

This writ petition has been filed directing the second respondent to permit the petitioner to conduct Naiyandi Melam and Maguda Isai during Consecration festival and Kodai Festival in Uvari Sri Pottal Esakki Amman Thirukkivil, Uvari Village, Thisaiyanvilai Taluk, Tirunelveli District from 02.03.2020 to 03.03.2020 about 06.00 p.m., to 12.00 a.m., and provide adequate police protection.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondents.

3.The learned Government Advocate(Crl.Side) appearing for the respondents submits that the police does not have any reservations on the place, where the function is to be conducted. However, there is an apprehension that some law and order problem may arise during the programme. She would also submit that the Director General of



Police, in his proceedings in Rc.No.007301/Genl.I(1)/2019 dated 09.04.2019 has issued circular to Commissioner of Police, Superintendent of Police and all the Station Housing Officer and directed them to follow the procedure and instruct the petitioner seeking permission to conduct cultural programs to comply with the conditions and permission may be granted subject to the petitioner agreeing to comply with the said conditions by filing necessary undertaking before the respondent police.

4.The respondent police are directed to grant permission for conducting the cultural programme (ie.,) Naiyandi Melam and Maguda Isai on 02.03.2020 to 03.03.2020 at about 06.00 p.m to 11.00 p.m., by enclosing the following conditions:

(a) The Naiyandi Melam and Maguda Isai in connection with the Consecration festival and Kodai Festival in Uvari Sri Pottal Esakki Amman Thirukkivil, Uvari Village, Thisaiyanvilai Taluk, Tirunelveli District should be completed within the time specified by the SHO.

(b) where loudspeakers or public address or any other noise source is being used, the noise level shall not exceed 10dB(A) above the ambient noise standards for the area or 75 dB(A) whichever is lower. No one shall beat drum or tom-tom or blow a trumpet or beat or sound any instrument and use any sound amplifier at night between 10.00 p.m to 6.00 p.m.

(c) The noise level during beating of Naiyandi Melam and Maguda Isai should not be above the prescribed noise levels and it should not create noise pollution;

(d) no songs, touching upon any political party or religion, community or caste be played;

(e) Organizers shall not erect any digital banners/pla cards on either side of the arterial roads, platforms, walkways/major roads and any other roads

(f) the function should not affect caste, religious or communal harmony and shall be conducted without any discrimination

(g) if there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

(h) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(i) if any untoward incident takes place, the organizers of the programme be made responsible for the same

(j) the authority concerned shall videograph the entire programme at the cost of the applicant and submit



the CD to the S.P concerned.

(k)Organizers shall have to obtain all other required permission from the authorities concerned

(l)Any other conditions as the authority concerned consider to impose according to the ground reality".

5.The petitioner is also directed to ensure that the conditions are strictly complied with and also to ensure that no law and order problem is created in the course of conducting the programme.

6.The writ petition stands disposed of with the above directions. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(ad-ii)

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/ /2020

Sub Assistant Registrar(CS)

gns

To

1.The Superintendent of Police,
Tirunelveli, Tirunelveli District.

2.The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-8881[F] dated 27/02/2020)

W.P. (MD)No.4113 of 2020

PK(CO)

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