



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:17.03.2022
CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

WP(MD) . No.4679 of 2022

S.Thusimuthu

... Petitioner

Vs

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Deputy Superintendent of Police,
Valliyoor,
Tirunelveli District.
3. The State represented by
The Inspector of Police,
Radhapuram Police Station,
Radhapuram,
Tirunelveli District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents more particularly the 3rd Respondent to give permission for conducting Kodai Festival to Arulmighu Mutharamman and Arulmighu Mubidathi Amman and other deities situated at Thanakkarkulam Village, Tirunelveli District as from 04.04.2022, 05.04.2022 and 06.04.2022 by considering the Petitioner's representation dated 25.02.2022 forthwith.

For Petitioner : M/s.S.Palani Velayutham
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
for R1 to R3

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, directing the Respondents more particularly the 3rd Respondent to give permission for conducting Kodai Festival to Arulmighu Mutharamman and Arulmighu Mubidathi Amman and other deities situated at Thanakkarkulam Village, Tirunelveli District on 04.04.2022, 05.04.2022 and 06.04.2022, by considering the Petitioner's representation dated 25.02.2022 forthwith.



2. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing on behalf of the respondents.

3. In an identical matter, a Division Bench of this Court in an order passed in **W.P. (MD) No.8975 of 2017 dated 10.05.2017 [M.Sakthi Vs. State rep. by the Inspector of Police, Odapatti Police Station, Odapatti, Theni District]**, had granted permission to the petitioner to conduct cultural programme on certain conditions. The said conditions read as follows:

'a) The event shall be conducted in an organised and peaceful manner without causing law and order problem.

b) There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.

c) The cultural Program shall be restricted between 8.00 a.m. and 11.00 p.m.

d) If there is any violation of the above said conditions, the respondent or the duly authorised officer is entitled to take necessary action as per law and stop such performance.

e) In case if there is any discrepancy with regard to the date on which the program is to be conducted, it would be open to the respondent police to extend protection on some other day after giving due notice to the petitioner

f) The restrictions have now been lifted and permitted to gather not more than 50 persons for the festival function.'

4. This Court is of the view that similar conditions may also be imposed in the present writ petition. Consequently, the Writ Petition Stands allowed. The third respondent is directed to strictly adhere to the Standard Operating Procedure adopted by the Government of Tamil Nadu and grant permission to the writ petitioner to conduct the cultural program on 04.04.2022, 05.04.2022 and 06.04.2022, between 6.00 pm., to 11.00 p.m., at Arulmighu Mutharamman and Arulmighu Mubidathi Amman temple at Thanakkarkulam Village, Tirunelveli District subject to the aforesaid conditions. There shall be no order as to costs.

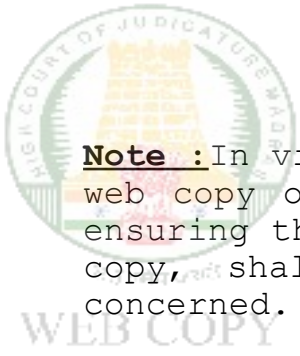
Sd/-

Assistant Registrar (Crl)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Deputy Superintendent of Police,
Valliyoor,
Tirunelveli District.
3. The Inspector of Police,
Radhapuram Police Station,
Radhapuram,
Tirunelveli District.

+1 cc to Mr.S.PALANI VELAYUTHAM, Advocate, SR.No.12670

ORDER IN
WP(MD) No.4679 of 2022
Date : 17.03.2022

SA(18.03.2022) 3P 5C