



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2016

CORAM:

THE HON'BLE DR. JUSTICE S.VIMALA

W.P(MD) No.16304 of 2016

Jeyamani

... Petitioner

-vs-

1. The Superintendent of Police,
Madurai District,
2. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 23.08.2016 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to provide adequate police protection on 14.09.2016 during the conduct of Adal Padal Programme on the event of Maha Kumbabhisekham ceremony at Sri Arulmigu Pandi Vinayagar Kovil situated at Vadapalanji, Madurai West Taluk, Madurai.

For Petitioner : Mr.R.Ganesan

For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

O R D E R

The writ petition has been filed to quash the impugned order passed by the 2nd respondent dated 23.08.2016 with the consequential direction to the 2nd respondent to provide adequate police protection on 14.09.2016 during the conduct of Adal Padal Programme on the event of Maha Kumbabhisekham ceremony at Sri Arulmigu Pandi Vinayagar Kovil situated at Vadapalanji, Madurai West Taluk, Madurai.

2. Mr.D.Muruganandam, learned Additional Government Pleader, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. The learned counsel appearing for the petitioner would submit that the programme being conducted regularly in order to promote harmony during the above said festival period. He would further submit that the representation given to the respondent was rejected vide the impugned order dated 23.08.2016.

5. The learned Additional Government Pleader appearing for the respondents would submit that considering the law and problem and other circumstances, prevalent in the area, the permission for conducting the programme was rejected.



6. However, the reasons alleged may not exist as of now and the situation is liable to change.

7. Under such circumstances, the writ petition is allowed and the impugned order is hereby quashed. The respondent police is directed to accord permission to the petitioner to perform the Adal Padal Programme on the event of Maha Kumbabhisekham ceremony at Sri Arulmigu Pandi Vinayagar Kovil situated at Vadapalanji, Madurai West Taluk, Madurai on 14.09.2016 between 7.00 p.m., and 10.30 p.m., by incorporating the following conditions:

(a) Obscene dance / songs / vulgar dialogues should be avoided during the programme;

(b) Songs conveying obscene double meaning should not be played in order to avoid awkwardness;

(c) No dance or songs, touching upon the conduct of any political party or community or caste be played;

(d) No flex boards in support of any political party or religious leader be erected;

(e) The programme shall be conducted without showing any discrimination based on caste / community etc., and it shall be ensured that it is towards promoting communal harmony;

(f) the participants of the programme shall not intake any kind of intoxicating substance or liquor during the programme;

(g) In respect of untoward incident occurring, the organizers of the programme be responsible for the same;

(h) If there is any violation of any of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance. No costs.

Sd/

Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Madurai District.

2. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.

+1cc to M/S.R.Ganesan, Advocate in SR.No.48984

+1cc to Special Government Pleader in SR.No.49367

W.P. (MD) No.16304 of 2016

31.08.2016

PA/SK-SKN/SAR III/02.09.2016/2P/5C