



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2016

CORAM

WEB COPY

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.16590 of 2016

K.Jeyasingh Nadar

... Petitioner

-vs-

1.The Superintendent of Police
Thoothukudi District, Thoothukudi.

2.The Sub Inspector of Police
Arumuganeri Police Station,
Arumuganeri
Thoothukudi District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified mandamus to call for the records relating to the impugned proceedings dated 30.08.2016 of the 2nd respondent and to quash the rejected portion of the Innisai Katcheri on 07.09.2016 and Adal Padal on 08.09.2016 and consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (ie) Innisai Katcheri on 07.09.2016 at 8.00 p.m. and Adal Padal on 08.09.2016 at 8.00 p.m. in the eve of Boonthottam Arulmigu Pathirakaliamman Thirukovil at Boonthottam, Kayalpattinam, Thiruchendur Taluk, Thoothukudi District.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.R.Karthikeyan

Addl. Govt. Pleader

O R D E R

The writ petition has been filed challenging the order of the 2nd respondent and for a consequential direction to the respondents to grant permission and necessary protection to perform the cultural programme (ie) Innisai Katcheri on 07.09.2016 at 8.00 p.m. and Adal Padal on 08.09.2016 at 8.00 p.m. in the eve of Boonthottam Arulmigu Pathirakaliamman Thirukovil at Boonthottam, Kayalpattinam, Thiruchendur Taluk, Thoothukudi District.

<https://hcservices.ecourts.gov.in/hcservices/> 2. Mr. R. Karthikeyan, 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 is being conducted by the villagers regularly in order to promote harmony during the above said festival period; that a representation was given to the respondents, but, however, the same was rejected by the respondents and hence, the petitioner is before this Court with this writ petition. The learned counsel appearing for the petitioner would further submit that as the aforesaid festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this celebration.

5. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner has been rejected on the ground that there is likelihood of law and order problem and also to avoid any untoward incident during performance of such programme.

6. Accordingly, the Writ Petition is allowed and the impugned order of the 2nd respondent is set aside and the 2nd respondent police is directed to accord permission to the petitioner to conduct **Adal Padal** programme in the eve of Boonthottam Arulmigu Pathirakaliamman Thirukovil at Boonthottam, Kayalpattinam, Thiruchendur Taluk, Thoothukudi District, scheduled on 07.09.2016 and 08.09.2016 between 07.00 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)

WEB COPY

/TRUE COPY/

Sub Assistant Registrar

To

1. The Superintendent of Police
Thoothukudi District, Thoothukudi.
2. The Sub Inspector of Police
Arumuganeri Police Station,
Arumuganeri
Thoothukudi District.
3. The Additional Govt. Pleader,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.N. Pragalathan, Advocate in SR.No.49190

ORDER MADE IN
W.P (MD) No.16590 of 2016
01.09.2016

RR

PA/SK-SKN/SAR I/06.09.2016/3P/5C (IT)