



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.09.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAMW.P(MD)No.17289 of 2016

M.Prabhakaran

... Petitioner

vs.

1.The Superintendent of Police,
Madurai District,
Madurari.

2.The Sub Inspector of Police,
Nagamalai Pudhukottai Police Station,
Nagamalai Pudhukkottai,
Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant permission and protection for conducting the Adal Padal programme scheduled on 18.09.2016 in Mandhai Thidal in the eve of Kulumai Festival scheduled to be conducted for the village deity "Sri Malayadi Ayyanar Karuppanna Swamy" in Vadivel Karai Village, Nagamalai Pudhukottai, Madurai District, on the basis of the petitioner's representation dated 07.09.2016 and 08.09.2016.

For Petitioner : Mr.V.S.Kishok Kumar

For Respondents : Mr.K.P.Krishna Doss

Government Advocate

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to grant permission and protection for Adal Padal programme scheduled on 18.09.2016 in Mandhai Thidal in the eve of Kulumai Festival scheduled to be conducted for the village deity "Sri Malayadi Ayyanar Karuppanna Swamy" in Vadivel Karai Village, Nagamalai Pudhukottai, Madurai District, on the basis of the petitioner's representation dated 07.09.2016 and 08.09.2016.

2.Mr.K.P.Krishna Doss, learned Government Advocate, 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 Government Advocate appearing for the respondents.

<https://hcservices.ecourts.gov.in/HCServices/> learned Government Advocate (Criminal Side) would submit that in the year 2014 in the same village, an Inspector of Police was assaulted by the public.



5. The learned counsel for the petitioner in reply would submit that that incident was not happened with regard to the conduct of festival, but some other reasons.

6. 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 respondent, but, however, the same was not considered by the respondent so far 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.

7. The learned Government Advocate appearing for the respondent, on instructions, would submit that the permission sought for by the petitioner may be granted with appropriate and stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such programme.

8. Accordingly, in view of the submission made by the learned Government Advocate, the Writ Petition is disposed of with the direction to the respondent police to accord permission to the petitioner to conduct "Adal Padal" Programme in connection with in Mandhai Thidal in the eve of Kulumai Festival of "Sri Malayadi Ayyanar Karuppanna Swamy" in Vadivel Karai Village, Nagamalai Pudukottai, Madurai District, scheduled to be held on 18.09.2016 between 07.00 p.m. to 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.

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/True Copy/

Sd/-

Assistant Registrar(T&P)

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Madurai District, Madurari.

2.The Sub Inspector of Police,
Nagamalai Pudhukottai Police Station,
Nagamalai Pudhukkottai,
Madurai District.

+One cc to Mr.V.S.Kishok Kumar, Advocate, SR.No.52130

+One cc to The Special Government Pleader, SR.No.52212

PJL

RL/5C/3P/GSV/PM/SARI/16/9/2016

W.P(MD)No.17289 of 2016
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