



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.09.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.18357 of 2016

R.Murugesan

... Petitioner

Vs.

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

2. The Inspector of Police,
Sivagiri Police Station,
Sivagiri, Tirunelveli 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 of the 2nd respondent's impugned order undated and set aside the same and consequently direct the 2nd respondent to give permission and police protection for the event of Adal Padal to be scheduled on 04.10.2016 at about 10 pm at the temple festival of Arulmigu South Mariamman Temple, Rayagiri, Sivagiri Taluk, Tirunelveli District, within the period stipulated by this Court.

For Petitioner : Mr.M.Mohamed Sherbudeen
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 Certiorarified Mandamus to quash the impugned order passed by the second respondent dated nil, and for consequential direction to the to grant permission to conduct the Aadal Padal dance program on 04.10.2016 at about 10.00 p.m at the temple festival of Arulmigu South Mariamman Temple, Rayagiri, Sivagiri Taluk, Tirunelveli District.

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.

<https://hcservices.courts.gov.in/hcservices/> 3. Hence the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.



4. The case of the petitioner is that every year Adal Padal is being conducted by the villagers regularly in order to promote harmony among public; that a representation was given to the second respondent, but, however, the same was rejected without giving an opportunity to explain the fact 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 tournament is conducted in a peaceful manner by the villagers, there will be no untoward incident on account of this tournament.

5. The learned Government Advocate appearing for the respondent would submit that the permission sought for by the petitioner has been rejected on the ground that there is likelihood of communal and law and order problem.

6. However, the rejection order of the second respondent did not disclose any specific reason. The order is very general in stating that there is likelihood of law and order problem.

7. It is not in dispute that the impugned order has been passed without providing opportunity to the petitioner and on that ground, the impugned order is set aside. The respondent police shall consider the application of the petitioner dated 20.08.2016 afresh and pass orders **forthwith** on merits and in accordance with law, as the said programme is scheduled to be held on **04.10.2016**. Accordingly, this Writ Petition is allowed.

8. It is for the respondent police to give permission to the petitioner to conduct "Adal Padal" programme by considering the representation of the petitioner. In the event of granting permission, they shall incorporate the following conditions:-

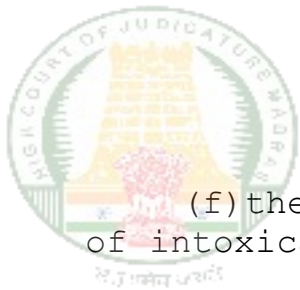
(a) Obscene dance / songs / vulgar dialogues should be avoided during the programme;

(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.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

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

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

+1cc to Mr.M.Mohamed Sharbudeen, Advocate SR.No.55274

+1cc to special Government Pleader SR.No.55195

pjl

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