



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.18875 of 2016

WEB COPY

A.P.K.Sundararaja Perumal

...Petitioner

-vs-

The Sub Inspector of Police,
Watrap Police Station, Watrap,
Virudhunagar District.

...Respondent

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 impugned order dated 28.09.2016 in Na.Ka.No.03/PTPS/16 passed by the respondent and quash the same and consequently direct the respondent to give adequate police protection to the petitioner to conduct the cultural event scheduled to be held on 05.10.2016 to 12.10.2016 particularly "Aadalum Padalum" dance program on 06.10.2016 in pursuance to the "64th Annual Festival" of Arulmighu Muthalamman Thirukoil" situated in Muthalamman Kalaiyarangam, Main Bazar, Watrap, Virudhunagar District.

For Petitioner : Mr.S.Udhayakumar
For Respondents : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

The writ petition has been filed to quash the impugned order passed by the respondent dated 28.09.2016 with the consequential direction to the respondent to give adequate police protection to the petitioner to conduct the cultural event scheduled to be held on 05.10.2016 to 12.10.2016 particularly "Aadalum Padalum" dance program on 06.10.2016 in pursuance to the "64th Annual Festival" of Arulmighu Muthalamman Thirukoil" situated in Muthalamman Kalaiyarangam, Main Bazar, Watrap, Virudhunagar District.

2. Mr.K.P.Krishna Doss, learned Government Advocate, takes notice for the respondent. 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 respondent.

4. The learned counsel appearing for the petitioner would submit that the Aadalum Padalum is 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 28.09.2016.

5. Today, 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 so as to prevent disturbance to the public tranquility and

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and also avoid any untoward incident during performance of such programme.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner will advise the participants not to cause any

hindrance to the law and order so as to avoid untoward incident. The said submission is recorded.

7. Accordingly, in view of the submission made by the learned Additional Government Pleader and undertaking given by the learned counsel for the petitioner, the writ petition is allowed and the impugned order is hereby quashed. The respondent police is directed to accord permission to the petitioner to conduct Aadalum Padalum on 06.10.2016 at "64th Annual Festival" of Arulmighu Muthalamman Thirukoil" situated in Muthalamman Kalaiyarangam, Main Bazar, Watrap, Virudhunagar District, by duly 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(crl.side)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

The Sub Inspector of Police, Watrap Police Station, Watrap,
Virudhunagar District.

+1cc to M/s.S.Udayakumar, Advocate in SR.57177

+1cc to the Special Government Pleader, in SR.57465

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29.09.2016

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