



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) .No.19327 of 2016

WEB COPY

A.Raju

.. Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Cumbum South Police Station,
Theni District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 2nd respondent in Na.Ka.No.01/Ka.Aa.A/2016 dated 27.09.2016 and quash the same and direct the respondents to grant permission to festival committee to conduct Adal Padal festival on 10.10.2016 as part of Tamil month of Purattasi festival in Arulmigu Sri Mandaianman Thirukovil at Cumbum South Street, Cumbam, Theni District.

For Petitioner

: Mr.C.Vakeeswaran

For respondents

: Mr.K.P.Krishnados, G.A.

ORDER

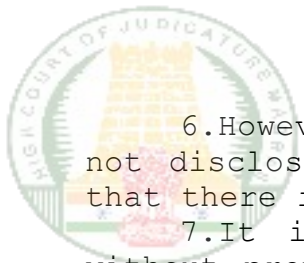
The Writ Petition has been filed to quash the impugned order passed by the 2nd respondent, dated 27.09.2016 and direct the respondents to grant permission to festival committee to conduct Adal Padal festival on 10.10.2016 as part of Tamil month of Purattasi festival in Arulmigu Sri Mandaianman Thirukovil at Cumbum South Street, Cumbam, Theni 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 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 festival is conducted in a peaceful manner by the villagers, there will be no untoward incident on account of this festival.

5.The learned Government Advocate appearing for the respondents 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 passed by the respondents police 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 afresh and pass orders forthwith on merits and in accordance with law, as the said programme is scheduled to be held on 10.10.2016. Accordingly, this Writ Petition is allowed.

8. It is for the respondent police to give permission to the petitioner to conduct "Adal Padal" program 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. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

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

To

1. The Superintendent of Police, Theni District.

2. The Inspector of Police, Cumbum South Police Station, Theni District.

+1cc to M/s.C.Vakeeswaran, Advocate in SR.59319

+1cc to the Special Government Pleader, in SR.59389

W.P. (MD) No.19327 of 2016
05.10.2016

nbj

PBK/CK/SAR-I 06.10.2016 ::2P-5C:(IT)