



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.12.2016

CORAM

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**THE HON'BLE MR. JUSTICE R.MAHADEVAN**

W.P (MD) No.25045 of 2016

K.Kasi @ Ravichandran

... Petitioner

vs.

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

2.The Inspector of Police,  
Nagamalai Pudukkottai Police Station,  
Madurai- 625 019.  
Madurai District.

... Respondent

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 from the 2nd respondent in his proceedings dated 22.12.2016 and Quash the same and consequently direct the respondents to grant permission to the petitioner to perform cultural Dance Programme (Aadal Padal) scheduled to be held on 06.01.2017 as part of the Temple Festival called Margali Pongal Thiruvizha in Arulmigu Sree Malayadi Ayyanar Karuppana Samy Thiruthalam situated at Keelakuilkudi Madurai South Taluk and District and thus render justice.

For Petitioner : Mr.N.Sathish Babu

For Respondent : Mr.K.P.Krishna Doss  
Government Advocate

**ORDER**

The writ petition has been filed for issuance of a Writ of Certiorarified Mandamus Certiorarified Mandamus, to call for the records from the 2nd respondent in his proceedings dated 22.12.2016 and quash the same and consequently direct the respondents to grant permission to the petitioner to perform cultural Dance Programme (Aadal Padal) scheduled to be held on 06.01.2017 as part of the Temple Festival called Margali Pongal Thiruvizha in Arulmigu Sree Malayadi Ayyanar, Karuppana Samy Thiruthalam situated at Keelakuilkudi, Madurai South Taluk and 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.

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 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 programme.

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 dated 22.12.2016 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. Accordingly, this Writ Petition is allowed.

8. The respondent police is directed to give permission to the petitioner to conduct "Adal Padal" programme in connection with scheduled to be held on 06.01.2017 between 07.00 p.m. to 11.00 p.m. by incorporating the following conditions:-

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

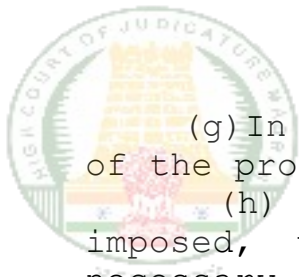
(b) Songs conveying obscene double meaning should not be played in order to avoid awkwardness;

(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 ~~conducted in a manner~~ 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

/True copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,  
Nagamalai Pudukkottai Police Station,  
Madurai- 625 019.  
Madurai District.

+1 cc to M/s.N.Sathish Babu, Advocate in SR.No. 83734  
+1 cc to The Special Government Pleader in SR.No. 83839

PJL

CSL/SS-3/SAR-I/03.01.2017 : 2P/5C

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