



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.07.2017
CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No. 12424 of 2017

WEB COPY

M.Mayandi

... Petitioner

-vs-

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

2. The Sub-Inspector of Police,
Varusanadu Police Station,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in C.No.93/Mic/FUPS/2017, dated 29.06.2017 of the 2nd respondent and to quash the rejected portion of the function dated 05.07.2017 consequently directing the 2nd respondent to grant permission and necessary protection to perform the cultural programme(ie.,) Adal Padal on 05.07.2017 in the eve of Arul Mighu Varamtharum Kaliyamman and Nalamtharum Vinayagar Thirukovil "Maha Kumbaabiseka Vizha" at Balasubramaniyapuram @ Kodikulam, Thummakundu Panchayat, Andipatti Taluk, Theni District.

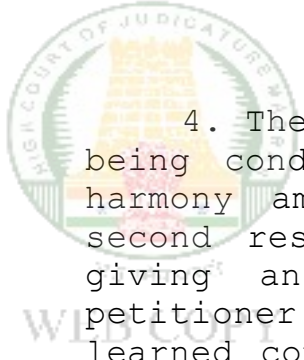
For Petitioner : Mr.A.Vadivel
For Respondents : Mr.T.S.Mohamad Mohideen
Additional Government Pleader

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Certiorarified Mandamus seeking a direction to the respondents to grant permission and protection to perform the cultural programme(ie.,) Adal Padal on 05.07.2017 in the eve of Arul Mighu Varamtharum Kaliyamman and Nalamtharum Vinayagar Thirukovil "Maha Kumbaabiseka Vizha" at Balasubramaniyapuram @ Kodikulam, Thummakundu Panchayat, Andipatti Taluk, Theni District.

2.Mr.T.S.Mohamad Mohideen, learned Additional Government Pleader, 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 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 programme 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 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 dated 29.06.2017 did not disclose any specific reason. The order is very general in stating that there is likelihood of law and order problem.

7. Under such circumstances, the Writ Petition is allowed and the order of rejection dated 29.06.2017 is set aside. The second respondent police is directed to accord permission to the petitioner, incorporating the specific conditions and ensure the observance of the conditions to maintain public order and tranquillity. It is open to the respondent to take appropriate action in the event of non-observance of the conditions stipulated to conduct Adal Padal programme at the festival of Arulmigu Varamtharum Kaliyamman and Nalamtharum Vinayagar Thirukovil "Maha Kumbaabiseka Vizha" at Balasubramaniamapuram @ Kodikulam, Thummakundu Panchayat, Andipatti Taluk, Theni District, scheduled to be held on 05.07.2017 should be completed before 10.30 p.m.

(a) the petitioner shall pay a cost of Rs.1000/- to the credit of the Chief Justice Relief Fund within 4.00 p.m., today, failing which the order copy shall not be furnished today.

(b) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(c) double meaning songs should not be played so as to spoil the minds of students and the youth;

(d) no dance or songs, touching upon any political party or religion, community or caste be played;

(e) no flex boards in support of any political party or religious leader be erected;

(f) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;



(g) if there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

(h) similarly, the Police is empowered to stop the dance programme, if it exceeds beyond the permitted time;

(i) the participants of the programme shall not intake any kind of intoxic substance or liquor during the programme; and

(j) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

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

2. The Sub-Inspector of Police,
Varusanadu Police Station,
Theni District.

Copy To:

The Section Officer, Accounts Section,
Madurai Bench of Madras High Court, Madurai.

DAS/PJL

PSM/SKN-RSK/SAR-I/07.07.2017/3P/4C

W.P. (MD) No. 12424 of 2017
05.07.2017