

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 06.07.2017
CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.12519 of 2017**

S.Subramanian

... Petitioner

-Vs-

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

2. The Sub-Inspector of Police,
Pavoorchathram Police Station,
Tirunelveli,
Tirunelveli 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 pertaining to the rejection order of the 2nd respondent, on 03.07.2017 and quash the same and consequently, direct the respondents to grant permission and protection for "Adal Padal" programme in connection with "Kodaivizha" scheduled to be held on 15.07.2017 at "Arulmigu Sri Kalamman Thirukovil", at Keelapavur, Tirunelveli District.

For Petitioner : Mr.R.Karthic Rajan.
For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the rejection order of the 2nd respondent, on 03.07.2017 and quash the same and consequently, directing the respondents to grant permission and protection for "Adal Padal" programme in connection with "Kodaivizha" scheduled to be held on 15.07.2017 at "Arulmigu Sri Kalamman Thirukovil", at Keelapavur, Tirunelveli District.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme on 15.07.2017 in connection with a festival of "Kodaivizha" at Arulmigu Sri Kalamman Thirukovil", at Keelapavur, Tirunelveli District. He would further submit that in this connection, a



representation was given to the second respondent on 03.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent Police has rejected the said representation, by an impugned order, dated 03.07.2017 and hence, the petitioner is before this Court with this Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that no adverse remarks have been received for "Adal Padal" programme in connection with the temple festival as scheduled to be conducted by the petitioner on 15.07.2017.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case, the impugned order passed by the second respondent, dated 03.07.2017, is set aside and the Writ petition is allowed. The second respondent/Sub-Inspector of Police, Pavoorchathram Police Station, Tirunelveli, Tirunelveli District, is directed to consider the representation of the petitioner, dated 03.07.2017 and give permission and to provide police protection for "Adal Padal" programme in connection with "Kodaivizha" at "Arulmighu Sri Kalamman Thirukovil", at Keelapavur, Tirunelveli District scheduled to be held on 15.07.2017, subject to the following conditions and any other reasonable restrictions that may be imposed by the second respondent in the interest of public and to preserve the law and order:

(a) the "Adal Padal" programme in connection with the festival of "Kodaivizha" at "Arulmighu Sri Kalamman Thirukovil", at Keelapavur, Tirunelveli District scheduled to be held on 15.07.2017 should be completed before 10.30 p.m.

(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 political 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 in-toxic 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(CRL.SIDE)

/True Copy/

Sub Assistant Registrar

To

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

2. The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli,
Tirunelveli District.

+1cc to M/S. R.KARTHIC RAJAN, Advocate, SR.No.63777.

+1cc to Special Government Pleader, SR.No.63962.

W.P.(MD) No. 12519 of 2017
06.07.2017

pmu

<https://hccs.courts.gov.in/cs/Arts/4/10.07.2017/3P/5C>