



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.07.2017

CORAM

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

W.P.(MD) No. 12634 of 2017
and
W.M.P.(MD) .No.9740 of 2017

N.Alexander

... Petitioner

-vs-

The Sub-Inspector of Police,
Kadupatti Police Station
Madurai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus by calling for the entire records pertaining to the proceedings of the Respondent, dated 04.07.2017 and quash the same and consequently direct the respondent to accord permission and provide adequate police protection for conducting "Aadal Padal cultural program", which is scheduled to be taken place on 08.07.2017 in connection with the Vurchava festival of "Sri Mavudaiyan Kanmaikarai Ayyanar Temple" Thenkarai, Vadipatti (Taluk), Madurai District.

For Petitioner : Mr.M.Pitchai Muthu
For Respondent : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Certiorarified Mandamus by calling for the entire records pertaining to the proceedings of the Respondent, dated 04.07.2017 and quash the same and consequently direct the respondent to accord permission and provide adequate police protection for conducting "Aadal Padal cultural program", which is scheduled to be taken place on 08.07.2017 in connection with the Vurchava festival of "Sri Mavudaiyan Kanmaikarai Ayyanar Temple" Thenkarai, Vadipatti (Taluk), Madurai District.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct Aadalum Padalum programme on 08.07.2017 in connection with a Vurchava festival of "Sri Mavudaiyan Kanmaikarai Ayyanar Temple" Thenkarai, Vadipatti (Taluk), Madurai District. He would further submit that in this connection, with a request to grant permission and protection to



conduct the programme on the above said date. However, the respondent Police rejected the said representation and hence, the petitioner is before this Court with this Writ Petition.

3. The learned Additional Government Pleader appearing for the respondent produced the communication, which was received from the Sub Inspector of Police, Kadupatti Police Station, Madurai in which it has been stated that the programme will attract more than 10,000 people from the neighbouring villagers belonging to different community and there is likelihood of law and order problem, since the organisers using mike set causing noise pollution and are fixing flex boards on community basis. Hence, the permission sought for by the petitioner has been rejected.

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

5. However, the rejection order, dated 07.07.2017 did not disclose any specific reason and there is no adverse remarks or antecedents reported by the respondent police regarding the programme conducted in the past. The rejection order is very general in stating that there is likelihood of law and order problem.

6. Taking into consideration the facts and circumstances of the case, the impugned rejection order passed by the respondent, dated 04.07.2017 is set aside and the Writ Petition is disposed of. The respondent police is directed to consider the representation of the petitioner, dated 01.07.2017 and to accord permission and police protection to the petitioner to conduct Adal Padal programme at the Vurchava festival of "Sri Mavudaiyan Kanmaikarai Ayyanar Temple" Thenkarai, Vadipatti (Taluk), Madurai District, which is scheduled to be held on 08.07.2017, subject to the following conditions and any other reasonable restrictions that may be imposed by the respondent in the interest of public and to preserve the law and order:

(a) the "Adal Padal" programme in connection with the festival at "Arulmigu Sri Mavudaiyan Kanmaikarai Ayyanar Temple" Thenkarai, Vadipatti (Taluk), Madurai, scheduled to be held on 08.07.2017 should be completed before 10.30 p.m.

(b) the petitioner shall pay a cost of Rs.2000/- to the credit of the Chief Justice Relief Fund within 4.30 p.m., today, failing which, the order copy shall not be furnished today;

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

<https://hcservices.ecourts.gov.in/cases>

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



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

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

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

(h) 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;

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

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

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

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

- 1.The Sub-Inspector of Police,
Kadupatti Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

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

+1cc to M/S.M.Pitchai Muthu, Advocate SR.No. 64158

W.P.(MD)No.12634 of 2017
07.07.2017

das/pjl