

**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. 12640 of 2017**

S.Ponnan

... Petitioner

-Vs-

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

2. The Inspector of Police,
Vaiyampatti Police Station,
Tirchy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to grant permission and to provide police protection to conduct "Aadalum Paadalum" dance programme on 11.07.2017 in pursuant to "Thirukoil Thiruvizha" of Sree Vinayagar - Sree Mariamman - Sree Murugan - Sree Pattavan - Sree Thekkamalaiyan - Sree Thottichiamman & Sree Meesaikaran Thirukoil, situated at Anankaraipatti, Kumaravadi Village, Manapparai Taluk, Trichy District, by considering the petitioner's representation, dated 01.07.2017.

For Petitioner : M/s.P.Kalaiyarasi Bharathi.
For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader.

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus seeking a direction to the respondents to grant permission and to provide police protection to conduct "Aadalum Paadalum" dance programme on 11.07.2017 in pursuant to "Thirukoil Thiruvizha" of "Sree Vinayagar, Sree Mariamman, Sree Murugan, Sree Pattavan, Sree Thekkamalaiyan, Sree Thottichiamman and Sree Meesaikaran Thirukoil", situated at Anankaraipatti, Kumaravadi Village, Manapparai Taluk, Trichy District, by considering the petitioner's representation, dated 01.07.2017.

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



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Aadalum Paadalum" dance programme on 11.07.2017 in connection with "Thirukoil Thiruvizha" in "Sree Vinayagar, Sree Mariamman, Sree Murugan, Sree Pattavan, Sree Thekkamalaiyan, Sree Thottichiamman and Sree Meesaikaran Thirukoil", situated at Anankaraipatti, Kumaravadi Village, Manapparai Taluk, Trichy District. He further submitted that in this connection, a representation was given to the respondents on 01.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondents have not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents has produced before this Court, a communication, dated 07.07.2017, from the Sub Inspector of Police, Vaiyampatti police station, Vaiyampatti, Trichy District, by stating that the "Adal Padal" programme is likely to invite public from neighbouring villages. Since they expect more than 2000 people are likely to come from neighbouring villages, there is a likelihood of law and order problem. It is also stated that the organizers used Mike-sets and Flex Boards representing communities, leading to law and order problem.

5. The learned counsel for the petitioner submitted that last year, the programme was conducted without any untoward incident. However, this statement is not admitted by the respondent police.

6. Considering the fact that there is no untoward incident in the past as per the police records, this Court feel that the permission can be granted subject to stringent conditions. Having regard to the facts and circumstances of the case, this Court is inclined to issue the following direction:-

The second respondent/Inspector of Police, Vayampatti Police Station, Trichy District, is directed to consider the representation of the petitioner, dated 01.07.2017 and to give permission and to provide police protection for "Aadalum Paadalum" dance programme in connection with the festival in "Sree Vinayagar, Sree Mariamman, Sree Murugan, Sree Pattavan, Sree Thekkamalaiyan, Sree Thottichiamman and Sree Meesaikaran Thirukoil", situated at Anankaraipatti, Kumaravadi Village, Manapparai Taluk, Trichy District, scheduled to be held on 11.07.2017, subject to the following conditions;

(a) the "Aadalum Paadalum" dance programme in connection with the festival in "Sree Vinayagar, Sree Mariamman, Sree Murugan, Sree Pattavan, Sree Thekkamalaiyan, Sree Thottichiamman and Sree Meesaikaran Thirukoil", situated at Anankaraipatti, Kumaravadi



Village, Manapparai Taluk, Trichy District, scheduled to be held on 11.07.2017 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 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 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.

7. It is open to respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting of any Flex Boards representing any community.

8. With the above direction, the Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar()

/True Copy/



To

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

2. The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

+1cc to M/S. P.KALAIYARASIBARATHI, Advocate, SR.No.64194.

W.P.(MD) No. 12640 of 2017
07.07.2017

pmu

SDS/SKN:RSK/SAR 4/10.07.2017/4P/4C