



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2017

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

WEB COPY

W.P.(MD) No. 12651 of 2017

and

W.M.P.(MD) No.9757 of 2017

R.Athithan

... Petitioner

-vs-

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

2.The Assistant Superintendent of Police,
Cheranmahadevi Taluk,
Tirunelveli District.

3.The Inspector of Police,
Mukkudal Police Station,
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 relating to impugned order passed by the second respondent in his proceedings in Na.Ka.No.46/Se.Mu.Aa/U.Ka.Ka/Cherai/2017, dated 02.07.2017 and quash the same as illegal and consequently directing the second and third respondents to permit the petitioner's temple to conduct "Adal Padal, other Cultural Programme and also the statute of deity carried by a chariot scheduled on 06.07.2017 to 12.07.2017 from 8 pm to 02.00 am at Sri Muthumalai Ambal Thirukovil Ani Perum Thiruvizha situated at Mukkudal, Tirunelveli District.

For Petitioner : Mr.S.Krishnan

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 calling for the records relating to impugned order passed by the second respondent in his proceedings in Na.Ka.No.46/Se.Mu.Aa/U.Ka.Ka/Cherai/2017 dated 02.07.2017 and quash the same as illegal and consequently directing the second and third respondents to permit the petitioner's temple to conduct "Adal Padal, other Cultural Programme and also the statute of deity carried by a chariot scheduled" on 06.07.2017 to 12.07.2017 from 8.00 pm to 02.00 am at

Sri Muthumalai Ambal Thirukovil Ani Perum Thiruvizha situated at Mukkudal, Tirunelveli District.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct Adal Padal, other Cultural Programme and also the statute of deity carried by a chariot scheduled from 06.07.2017 to 12.07.2017 in connection with a festival of "Sri Muthumalai Ambal Thirukovil Ani Perum Thiruvizha situated at Mukkudal, Tirunelveli District". He would further submit that in this connection, a representation was given to the third respondent on 15.06.2017, 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 would submit that this Court may grant permission for Adal Padal programme with stringent conditions.

4. Taking into consideration of the facts and circumstances of the case the impugned order dated 02.07.2017 is set aside and this Writ Petition is allowed and this Court is inclined to pass the following direction:-

The third respondent/Inspector of Police, Mukkudal Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 15.06.2017 and to give permission to the villagers, who are the organizers of the programme in connection with the temple festival on merits and in accordance with law with the following conditions:

(a) the "Adal Padal" programme in connection with the festival in "Sri Muthumalai Ambal Thirukovil Ani Perum Thiruvizha situated at Mukkudal, Tirunelveli District, scheduled to be held from 06.07.2017 to 12.07.2017 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

the 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.

5. 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.

6. With the above direction, the Writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

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

2.The Assistant Superintendent of Police,
Cheranmahadevi Taluk,
Tirunelveli District.

3.The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.

+1cc to Mr.S.Krishnan, Advocate,SR.64352

W.P.(MD) No. 12651 of 2017 and
W.M.P. (MD) No.9757 of 2017
10.07.2017

TA/CP

KK/SKN RSK/SAR4/10.07.2017/3P-5C/