



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.12673 of 2017

C.Jothibasu

... Petitioner

vs.

The Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to grant permission to perform the program of 'Adal Padal' on 01.08.2017 night at about 07.00 P.M. to 11.00 P.M. at Arulmigu Chinnakaruppan Kovil is situated at Ilangudi, Managiri Post, Thirupathur Taluk, Sivagangai District and to provide adequate police protection based on petitioner's representations dated 06.07.2017.

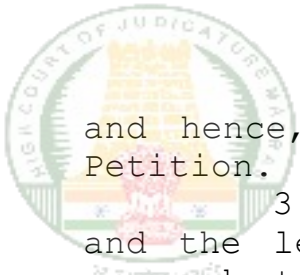
For Petitioner
For Respondent

: Mr.K.G.ArunKumar
: Mr.T.S.Mohamed Mohaideen,
Additional Government Pleader

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, to direct the respondent to grant permission to perform the program of 'Adal Padal' on 01.08.2017 night at about 07.00 P.M. to 11.00 P.M. at Arulmigu Chinnakaruppan Kovil is situated at Ilangudi, Managiri Post, Thirupathur Taluk, Sivagangai District and to provide adequate police protection based on petitioner's representations dated 06.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme on 01.08.2017 in connection with a festival in "Arulmigu Chinnakaruppan Kovil" is situated at Ilangudi, Managiri Post, Thirupathur Taluk, Sivagangai District. He further submitted that in this connection, a representation was given to the respondent on 06.07.2017, with a request to grant permission and protection for the programme on the above said date. However, the respondent police has not yet considered the said representation



and hence, the petitioner is before this Court with this Writ Petition.

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

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4. The learned Additional Government Pleader appearing for the respondents has produced before this Court, a communication, dated 08.07.2017, received from the Inspector of Police, Nachiyapuram Police Station, Sivagangai District. It was pointed out that there are three different communities living in the particular village, on account of which the respondent tries to prevent the organizers to conduct Aadal Paadal programme because of law and order problem. Hence, he has requested not to grant permission in view of the likely hood of law and order problem. When enquired about the antecedents during such programmes in previous years, the respondent police has submitted that no untoward incident reported.

5. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every villages all over the state, preventing the petitioner from conducting such programme in this particular village will amount to discrimination. However, taking into account the objections of the respondent police, this Court is inclined to pass the following direction:-

"The respondent/Inspector of Police, Nachiyapuram Police Station, Savagangai District is directed to consider the representation of the petitioner, dated 06.07.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with the festival in "Arulmigu Chinnakaruppan Kovil" is situated at Ilangudi, Managiri Post, Thirupathur Taluk, Sivagangai District, scheduled to be held on 01.08.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the festival in ""Arulmigu Chinnakaruppan Kovil" is situated at Ilangudi, Managiri Post, Thirupathur Taluk, Sivagangai District, scheduled to be held on 01.08.2017 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 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.

6. It is open to the 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 up any Flex Boards representing any community. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar.

To

The Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.

+1CC to Mr.K.G.Arunkumar, Advocate, SR.No. 64371

+1CC to the Special Government Pleader SR.No. 64552

W.P (MD) No.12673 of 2017

10.07.2017

gsp/cmr

AM/SKN RSK/SAR 4/19.07.2017/3P/4C