

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 10.07.2017****CORAM****THE HON'BLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) No. 12683 of 2017**

Veerapandi

... Petitioner

-Vs-

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to permit the petitioner to conduct the cultural function viz., "Adal Padal" during the temple festival of "Arulmighu Sri Sithivinayakar Temple", Pasathi Veethi, Kallal, Karaikudi Taluk, Sivagangai District on 14.07.2017 between 07.00 P.M to 12.00 P.M., and further direct the respondent to give adequate police protection for the above said programme by considering the petitioner's representation dated 06.07.2017.

For Petitioner : Mr.E.Balasubramaniyan
For Respondent : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the respondent to permit the petitioner to conduct the cultural function viz., "Adal Padal" during the temple festival of "Arulmighu Sri Sithivinayakar Temple", Pasathi Veethi, Kallal, Karaikudi Taluk, Sivagangai District on 14.07.2017 between 07.00 P.M to 12.00 P.M., and further direct the respondent to give adequate police protection for the above said programme by considering the petitioner's representation dated 06.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme on 14.07.2017 in connection with a festival in "Arulmighu Sri Sithivinayakar Temple", Pasathi Veethi, Kallal, Karaikudi 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 to conduct 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.

4. The learned Additional Government Pleader appearing for the respondents has produced before this Court, a communication, dated 08.07.2017, received from the Sub Inspector of Police, Kallal Police Station, Sivagangai District stating that the programme is likely to attract the public from nearby villages. More than 3000 people are likely to assemble, which may lead to law and order problem. Further, it was pointed out that the organizers of the programme use mike-set and Flex Boards representing communities. Hence, he has requested not to grant permission in view of the likelihood 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 village 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, Kallal Police Station, Sivagangai 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 "Arulmighu Sri Sithivinayakar Temple", Pasathi Veethi, Kallal, Karaikudi Taluk, Sivagangai District scheduled to be held on 14.07.2017, subject to the following conditions; "

(a) the "Adal Padal" programme in connection with the festival in "Arulmighu Sri Sithivinayakar Temple", Pasathi Veethi, Kallal, Karaikudi Taluk, Sivagangai District, scheduled to be held on 14.07.2017 should be completed before 11.30 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 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.

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

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

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

+1cc to Mr.E.Balasubramaniyan, Advocate Sr.No.64367

+1cc to The Spl.Government Pleader Sr.No.64542

GSP/CMR

VB/SV/SAR1/13.07.2017/3P/4C

W.P. (MD) No. 12683 of 2017
10.07.2017