



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.12761 of 2017

WEB COPY

S.Veerasekar

... Petitioner

Vs.

1.The Superintendant of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Kundrakudi Police Station,
Sivagangai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to grant permission and necessary police protection to perform the cultural programme (ie.,) Dance Programme on 25.07.2017 at 06.00pm., to 10.30.pm., in the Thiru Vizha of Arulmighu Karungaali Muneeswarar Thirukovil ar Peyanpatti, Karaikudi, Sivagangai District.

For Petitioner : Mr.R.Prabu Ramachandran

For Respondents : Mr.T.S.Mohamad Mohideen
Additional Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the respondent to grant permission and necessary protection to perform the cultural programme (ie.,) "Dance Programme" on 25.07.2017 in the eve of the Arulmighu Karungaali Muneeswarar Thirukovil ar Peyanpatti, Karaikudi, Sivagangai District, by considering the petitioner's representation, dated 05.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Dance Programme" on 25.07.2017 in connection with a festival of Arulmighu Karungaali Muneeswarar Thirukovil ar Peyanpatti, Karaikudi, Sivagangai District. He further submitted that in this connection, a representation was given to the respondent on 05.07.2017, with a request to grant permission and protection to conduct the cultural 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.The learned Additional Government Pleader appearing for the respondents produced the communication, which was received from the Special Inspector of Police, Kundrakudi Police Station, Sivagangai District, Sivagangai, in which it has been stated that since there was two major communities are living in the villages, there is likelihood of law and order problem, in case Adal Padal programme is permitted.

4.However, though the organizers have conducted similar programme in the previous years, there was no antecedents or untoward incidents reported. In such circumstances, this Court is of the view that denying permission to the petitioner will amount to discrimination. Considering the facts and circumstances of the case, the Writ petition is disposed of with a direction to the respondent/Inspector of Police, Kundrakudi Police Station, Sivagangai, to consider the representation of the petitioner, dated 05.07.2017 and to give permission and to provide police protection for "Dance Programme" in connection with the festival of Arulmighu Karungaali Muneeswarar Thirukovil ar Peyanpatti, Karaikudi, Sivagangai District, scheduled to be held on 25.07.2017, 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 "Dance Programme" in connection with the festival at Arulmighu Karungaali Muneeswarar Thirukovil ar Peyanpatti, Karaikudi, Sivagangai District, scheduled to be held on 25.07.2017 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 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

<https://hcservices.ecourts.gov.in/hcservices1> 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, this writ petition is disposed of. No costs.

Sd /-
ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

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

2. The Inspector of Police,
Kundrakudi Police Station,
Sivagangai.

+1 CC TO MR. R. PRABHU RAMACHANDRAN, ADVOCATE, SR NO. 64619

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO. 64957

das/pjl

MAS/MR-KKR/SAR1:17.07.2017:3P-5C

W.P. (MD) No. 12761 of 2017
11.07.2017