



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.12762 of 2017

V.Ganesan

... Petitioner

Vs.

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

2.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to grant permission and protection for Aadal Padal program perform in "Pongal Vizha" scheduled to be held on 16.07.2017 at 8.00p.m, at Arulmigu Sri Ucha Kalliamman Thirukovil at Ilanthaikulam Village, Mathikulam Panchayat, Vilathikulam Taluk, Thoothukudi District by considering the petitioner's representation dated 07.07.2017.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.T.S.Mohamed 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.,) "Adal Padal" on 16.07.2017 at Arulmigu Sri Ucha Kalliamman Thirukovil at Ilanthaikulam Village, Mathikulam Panchayat, Vilathikulam Taluk, Thoothukudi District by considering the petitioner's representation, dated 07.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme on 16.07.2017 in connection with a festival of Arulmigu Sri Ucha Kalliamman Thirukovil at Ilanthaikulam Village, Mathikulam Panchayat, Vilathikulam Taluk, Thoothukudi District. He further submitted that in this connection, a representation was given to the respondent on 07.07.2017, requesting 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. The learned Additional Government Pleader appearing for the respondent submitted that this Court may grant permission for "Adal Padal" programme with stringent conditions. He further submitted that there is no adverse remarks against the petitioner in conducting the "Adal Padal" programme, on 16.07.2017.

4. Considering the facts and circumstances of the case, this Court is inclined to issue direction to the 2nd respondent/ the Inspector of Police, Vilathikulam Police Station, Thoothukudi District, to consider the representation of the petitioner, dated 07.07.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with the festival of Arulmigu Sri Ucha Kaliyamman Thirukovil at Ilanthaikulam Village, Mathikulam Panchayat, Vilathikulam Taluk, Thoothukudi District scheduled to be held on 16.07.2017, Subject to the following conditions:

(a) the "Adal Padal" programme in connection with the festival at Arulmigu Sri Ucha Kaliyamman Thirukovil at Ilanthaikulam Village, Mathikulam Panchayat, Vilathikulam Taluk, Thoothukudi District, scheduled to be held on 16.07.2017 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

(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 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.

Sd/-
Assistant Registrar (Crl. Side)

/True Copy/

WEB COPY

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.64958
+1cc to Mr.R.KARTHICK RAJAN Advocate in SR. No.64627

DAS/PJL
JS/SKN.RSK/SAR.4/13.07.2017/3P-5C

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