

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
W.P. (MD) No.12768 of 2017

K.Rajasekaran

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Usilampatti Circle,
Madurai District.

2. The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai 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 give protection and permission to the festival and Adaal & Paadal Programme conducted at Arulmigu Chokkandi Amman Koil Festival at Nalluthevanpatti, Usilampatti Taluk, for Koil Petti Edukkum Thiruvizha scheduled on 14.07.2017 and 15.07.2017.

For Petitioner : Mr.K.R.Laxman.

For Respondents : Mr.A.K.Baskara Pandian ,
Special 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 i.e., Adaal & Paadal Programme at Arulmigu Chokkandi Amman Koil Festival at Nalluthevanpatti, Usilampatti Taluk, for Koil Petti Edukkum Thiruvizha scheduled on 14.07.2017 and 15.07.2017, by considering the petitioner's representation, dated 08.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adaal & Paadal" programme on 14.07.2017 and 15.07.2017 in connection with a festival of Koil Petti Edukkum Thiruvizha at "Arulmigu Chokkandi Amman Koil" situated at Nalluthevanpatti, Usilampatti Taluk. He further submitted that in this connection, a representation was given to the respondents on 08.07.2017, with a request to give permission and protection to conduct the programme on the above



said dates. 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 Special Government Pleader appearing for the respondents today filed a counter affidavit of one T.Ramachandiran who is in-charge as Inspector of Police, Usilampatty Circle, Madurai District.

4. The reading of whole counter affidavit would indicate that a representation was made in the name of Festival Committee signed by three persons. Though the Festival Committee asked for permission to conduct the festival and to give police protection, there is no specific reference to Aadal Paadal programme in any of the two dates referred to in the petition. However, the statement in the counter affidavit that no permission has been sought for by the Festival Committee regarding conduct of any other programme may not be right as the representation is now produced by the respondent police would clearly indicate that the permission sought for by the Festival Committee was also to conduct the programmes in the temple.

5. Since Aadal Paadal programme is now being conducted throughout the State in relation to temple festival, denying permission to the petitioner or the villagers of Usilampatti will amount to discrimination. Hence, taking into account the objection of the respondent police, this Court is inclined to dispose of this writ petition with a direction to the second respondent/Inspector of Police, Usilampatti Town Police Station, Usilampatti, Madurai District, to consider the representation of the petitioner, dated 08.07.2017 and to give permission and to provide police protection for "Aadal & Paadal" programme in connection with the festival of Koil Petti Edukkum Thiruvizha at "Arulmigu Chokkandi Amman Koil" situated at Nalluthevanpatti, Usilampatti Taluk, scheduled to be held on 14.07.2017 and 15.07.2017, subject to the following conditions and any other reasonable restrictions / conditions that may be imposed by the second respondent so as to preserve public order, tranquility and communal harmony:

(a) the "Aadal & Paadal" programme in connection with the festival of Koil Petti Edukkum Thiruvizha at "Arulmigu Chokkandi Amman Koil" situated at Nalluthevanpatti, Usilampatti Taluk, scheduled to be held on 14.07.2017 and 15.07.2017 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

<https://hcservices.gov.in/hcservices/>

(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.

No costs.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Usilampatti Circle,
Madurai District.
2. The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai District.

+1cc to M/S. K.R.LAXMAN, Advocate, SR.No.65027.

W.P. (MD) No.12768 of 2017
12.07.2017