



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.12769 of 2017

WEB COPY

S.Ponmuniyasamy

... Petitioner

Vs.

The Sub- Inspector of Police,
Soorangkudi Police Station,
Soorangkudi Post,
Tuticorin District.

... Respondent

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 give permission and police protection to the "Adalum Padalum" cultural program on 15.07.2017 at 07.00 p..m., to 11.00 p.m, in the temple festival of "Arulmigu Sri Kamatchi Amman and Muniyandi Thirukovil Thiruviza" at Thathaneri Post, Vilathikulam Taluk, Tuticorin District based on the petitioner's representation dated 04.07.2017.

For Petitioner : Mr.S.Selvakumar

For Respondent : 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 (i.e.,) "Adal Padal" on 15.07.2017 at 07.00 p..m., to 11.00 p.m, in the temple festival of "Arulmigu Sri Kamatchi Amman and Muniyandi Thirukovil Thiruviza" at Thathaneri Post, Vilathikulam Taluk, Tuticorin District based on the petitioner's representation dated 04.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme on 15.07.2017 in connection with a festival of "Arulmigu Sri Kamatchi Amman and Muniyandi Thirukovil Thiruviza" at Thathaneri Post, Vilathikulam Taluk, Tuticorin District. He further submitted that in this connection, a representation was given to the respondent on 04.07.2017, 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. The learned Additional Government Pleader appearing for the respondent produced the communication, which was received from the Special Sub-Inspector of Police, Vilathikulam Police Station, Tuticorin District, Tuticorin, in which it has been stated that the youngsters from neighbouring villages would be assembled during the programme and there is likelihood of law and order problem, since the organisers using mike set causing noise pollution and are fixing flex boards on community basis. He would further submit that this Court may grant permission for Adal Padal programme with stringent conditions.

4. However, though the organizers have conducting 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. Having considered the facts and circumstances of the case, this Court is inclined to issue direction to the respondent police, the Sub Inspector of Police, Soorankudi police Station, Soorankudi Post, Tuticorin District, to consider the representation of the petitioner, dated 04.07.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with the temple festival of "Arulmigu Sri Kamatchi Amman and Muniyandi Thirukovil Thiruviza" at Thathaneri Post, Vilathikulam Taluk, Tuticorin District, scheduled to be held on 15.07.2017, subject to the following conditions :

(a) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

(c) no dance or songs, touching upon any political party or religion, community or caste be played;

(d) no flex boards in support of any political party or religious leader be erected;

(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) 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;

(g) similarly, the Police is empowered to stop the dance programme, if it exceeds beyond the permitted time;

(h) 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/hcservices/>

(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 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

The Sub- Inspector of Police,
Soorangkudi Police Station,
Soorangkudi Post,
Tuticorin District.

+1 CC TO MR.S.SELVAKUMAR, ADVOCATE, SR NO.64780

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.64961

DAS/PJL
MAS/MR-KKR/SAR2:14.07.2017:3P-4C

W.P. (MD) No.12769 of 2017
06.07.2017