



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.12781 of 2017

WEB COPY

M.Iyyappan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Karaiyur Police Station,
Pudukottai 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 permit the petitioner to conduct the cultural function viz., Adal Padal during the temple festival of "Arulmighu Muthumariamman Temple", 110, Mullipatti, Melalathaniyam Post, Ponnamaravathi Taluk, Pudukottai District on 12.07.2017 between 7.00 p.m. to 12.00 p.m. and further direct the respondent to give adequate police protection for the above said programme.

For Petitioner : Mr.K.Veilmuthu

For Respondent : Mr.A.Muthukaruppan,
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 12.07.2017 in the eve of festival of "Arulmighu Muthumariamman Temple", 110, Mullipatti, Melalathaniyam Post, Ponnamaravathi Taluk, Pudukottai District, 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 12.07.2017 in connection with a festival of "Arulmighu Muthumariamman Temple", 110, Mullipatti, Melalathaniyam Post, Ponnamaravathi Taluk, Pudukottai 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. The learned Additional Government Pleader appearing for the respondent produced a copy of the letter of Inspector of Police, Karaiyur Police Station, Pudukottai District. In the letter, the Special Sub Inspector of Police, Karaiyur Police Station, Pudukottai District has recorded his objection to give permission to conduct "Adal Padal" programme. However, the objection is subjective and not objective in the sense that no reason is given for giving this objection. It is submitted that the petitioner is organising the function for the first time and there is no past record for this particular temple.

4. Considering the facts and circumstances of the case, the Writ petition is disposed of with a direction to the respondent/Inspector of Police, Karaiyur Police Station, Pudukottai District, 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 of "Arulmighu Muthumariamman Temple", 110, Mullipatti, Melalathaniyam Post, Ponnamaravathi Taluk, Pudukottai District scheduled to be held on 12.07.2017, subject to the following conditions and any other reasonable restrictions that may be imposed by the respondent police to preserve public peace and communal harmony:

(a) the "Adal Padal" programme in connection with the festival at "Arulmighu Muthumariamman Temple", 110, Mullipatti, Melalathaniyam Post, Ponnamaravathi Taluk, Pudukottai District, scheduled to be held on 12.07.2017 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.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Inspector of Police,
Karaiyur Police Station,
Pudukottai District.

+1cc to Mr.K.Veilmuthu, Advocate,SR.64634

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