

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

DATED: 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.12785 of 2017**

K.Ponnaiah

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai.

2.The Inspector of Police,
Keeranur Police Station,
Pudukkottai 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 respondent to give police protection to conduct cultural program (Music and Dance) on 13.07.2017 during the temple festival of Sri Veeramakali Amman Temple situated at Melaputhuvayal Village, Kulathur Taluk, Pudukkottai District by considering the representation of the petitioner dated 07.07.2017.

For Petitioner : Mr.S.Sekar.

For Respondents : Mr.A.Muthu Karupan,
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 respondents to give permission and necessary protection to perform the cultural programme (ie.,) "Music and Dance" on 13.07.2017, in the eve of festival of Sri Veeramakali Amman Temple situated at Melaputhuvayal Village, Kulathur Taluk, Pudukkottai 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 "Music and Dance" programme on 13.07.2017, in connection with the festival of Sri Veeramakali Amman Temple situated at Melaputhuvayal Village, Kulathur Taluk, Pudukkottai District. He further submitted that in this connection, a representation was given to the respondent on



07.07.2017, 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.

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3.The learned Additional Government Pleader appearing for the respondents submitted that a complaint has been received indicating that the conduct of Adal Padal programme is also an issue between the persons belonging to two different communities.

4.However, the learned counsel for the petitioner submitted that the parties have entered into a compromise and there is no likelihood of law and order problem.

5. Having regard to the facts and circumstances of the case, this Court is inclined to dispose of the writ petition with a direction to the second respondent/Inspector of Police, Keeranur Police Station, Pudukkottai District, to find out whether there was consensus among different factions in the village for the conduct of Adal Padal programme in the village. Only after confirming that there is consensus by the villagers, the second respondent police shall consider the representation of the petitioner, dated 07.07.2017 and to give permission and to provide police protection for conducting "Music and Dance" programme on 13.07.2017, in connection with the festival of "Sri Veeramakali Amman Temple" situated at Melaputhuvayal Village, Kulathur Taluk, Pudukkottai District, subject to the following conditions and any other reasonable restrictions that may be imposed so as to maintain public order and communal harmony:

(a) the "Music and Dance" programme in connection with the festival at "Sri Veeramakali Amman Temple" situated at Melaputhuvayal Village, Kulathur Taluk, Pudukkottai District, scheduled to be held on 13.07.2017 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.

No costs.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Pudukkottai.
2. The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.

+1cc to M/S. S.SEKAR, Advocate, SR.No.65118.

W.P. (MD) No.12785 of 2017
12.07.2017

SRM / IA
SDS/SKN:RSK/SAR 3/13.07.2017/3P/4C