



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.12786 of 2017

WEB COPY

D.Karnan

... Petitioner

Vs.

1.The Commissioner of Police,  
Madurai City,  
Madurai.

2.The Inspector of Police,  
C2 Subramanipuram Police Station,  
Madurai City.

... 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 police protection for Adal Padal programme perform in "Pongal Urchava Vizha" scheduled to be held on 13.08.2017, 15.08.2017 & 16.08.2017 at Arulmigu Sri Kaliyamman Thirukovil at Muthupatti, Madurai by considering the petitioner's representation dated 06.07.2017.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.T.S.Mohamed Mohideen,  
Additional Government Pleader.

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#### 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 grant permission and necessary protection to perform the cultural programme (ie.,) "Adal Padal" on 13.08.2017, 15.08.2017 & 16.08.2017 in the eve of Pongal Urchava Vizha of "Arulmigu Sri Kaliyamman Thirukovil at Muthupatti, Madurai, 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 13.08.2017, 15.08.2017 & 16.08.2017 in connection with Pongal Urchava Vizha of "Arulmigu Sri Kaliyamman Thirukovil at Muthupatti, Madurai. He further submitted that in this connection, a representation was given to the respondents on 06.07.2017, with a request to grant 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 learned Additional Government Pleader appearing for the respondents produced a copy of the letter, dated 11.07.2017, from the Sub Inspector of Police, C2 Subramaniapuram Police Station, Madurai City, Madurai. In the letter the Sub Inspector stated that the programme is likely to attract more number of youngsters from neighbouring villages and there is likelihood of law and order problem.

4. Since, no other incidents reported during previous years and no antecedent indicating communal disharmony is reported, denying permission to the petitioner will amount to discrimination as similar permission is given throughout the State. Hence, taking into account the objection of the second respondent, this Court is inclined to disposed of the writ petition with a direction to the second respondent/Sub Inspector of Police, C2 Subramanipuram Police Station, Madurai City, to consider the representation of the petitioner, dated 06.07.2017 and to give permission and to provide police protection for conducting "Adal Padal" programme on 13.08.2017, 15.08.2017 & 16.08.2017 in connection with Pongal Urchava Vizha of "Arulmigu Sri Kaliyamman Thirukovil at Muthupatti, Madurai, subject to the following conditions and any other reasonable restrictions that may be imposed by the second respondent in order to maintain public peace and communal harmony:

(a) the "Adal Padal" programme in connection with the festival at "Arulmigu Sri Kaliyamman Thirukovil at Muthupatti, Madurai, scheduled to be held on 13.08.2017, 15.08.2017 & 16.08.2017 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 Commissioner of Police,  
Madurai City,  
Madurai.

2.The Inspector of Police,  
C2 Subramanipuram Police Station,  
Madurai City.

+1 CC TO MR.R.KARTHIC RAJAN, ADVOCATE,SR NO.64624

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.64955

srm/ia

MAS/MR-KKR/SAR1:17.07.2017:3P-5C

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11.07.2017