



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 12813 of 2017

S.Maruthairaj

... Petitioner

-Vs-

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The Inspector of Police,
Ramji Nagar Police Station,Ramji Nagar,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner representation dated 06.07.2017 to grant permission to conduct the "Aadi Pongal Festival" as well as other programmes and also to conduct the "Aadal Padal" at about 06.00 p.m. to 11.00 p.m. on 17.07.2017 in temple namely "Sri Muthumariamman, Sri Pagavathiamman and Ondikaruppasamy" in North Ariyavoor and Post, Srirengam Taluk, Trichy District.

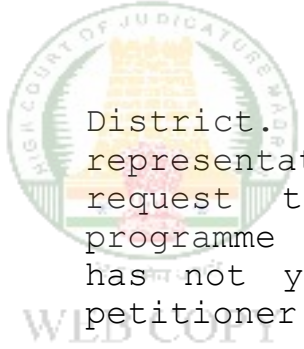
For Petitioner : Mr.C.Jeyaprakash

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, to direct the second respondent to consider the petitioner representation dated 06.07.2017 to grant permission to conduct the "Aadi Pongal Festival" as well as other programmes and also to conduct the "Aadal Padal" at about 06.00 p.m. to 11.00 p.m. on 17.07.2017 in temple namely "Sri Muthumariamman, Sri Pagavathiamman and Ondikaruppasamy" in North Ariyavoor and Post, Srirengam Taluk, Trichy District.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Aadi Pongal and Aadal Padal" on 17.07.2017 in connection with a festival in "Sri Muthumariamman, Sri Pagavathiamman and Ondikaruppasamy" situated at North Ariyavoor and Post, Srirengam Taluk, Trichy



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. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. The learned Additional Government Pleader appearing for the respondents submitted that permission can be granted subject to stringent condition.

5. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every villages all over the state, preventing the petitioner from conducting such programme in this particular village will amount to discrimination. The objection in the communication is only subjective, not objective. However, taking into account the objections of the respondent police, this Court is inclined to pass the following direction:-

"The second respondent/ The Inspector of Police, Ramji Nagar Police Station, Trichy District, is directed to consider the representation of the petitioner, dated 06.07.2017 and to give permission and to provide police protection for "Aadi Pongal and Aadal Paadal" programme in connection with the festival in "Sri Muthumariamman, Sri Pagavathiamman and Ondikaruppasamy" situated at North Ariyavoor and Post, Srengam Taluk, Trichy District, scheduled to be held on 17.07.2017, subject to the following conditions;

(a) the "Aadi Pongal and Aadal Paadal" programme in connection with the festival in "Sri Muthumariamman, Sri Pagavathiamman and Ondikaruppasamy" situated at North Ariyavoor and Post, Srengam Taluk, Trichy District, scheduled to be held on 17.07.2017 should be completed before 11.30 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.

6. 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. With the above directions, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar.

To

1. The Superintendent of Police,
Trichy District,
Trichy.

2. The Inspector of Police,
Ramji Nagar Police Station, Ramji Nagar,
Trichy District.

+1CC to M/S.C. Jeyaprakash, Advocate, SR.No. 64899

+1CC to the Special Government Pleader SR.No. 65248

W.P. (MD) No. 12813 of 2017

12.07.2017

cmr/ia

JM/SKN RSK/SAR 1/14.07.2017/3P/5C