



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.12814 of 2017

WEB COPY

A.Saravanan

... Petitioner

Vs.

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

2.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virughunagar 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 second respondent to consider the petitioner representation dated 08.07.2017 to grant permission to conduct the "Aadi Pongal Festival" as well as other programmes and also to conduct the "Adal Padal" at about 07.00 p.m. To 01.00 p.m. on 17.07.2017 in temple namely "Sri Karaiyadi Muniyandi Kovil" in Gandhi Nagar, Reserve Line, Sivakasi West, Sivakasi Taluk, Virudhunagar 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 seeking a direction to the second respondent to grant permission and necessary protection to perform the cultural programme (ie.,) "Adal Padal" on 17.07.2017 in the eve of Aadi Pongal Festival of "Sri Karaiyadi Muniyandi Kovil" situated at Gandhi Nagar, Reserve Line, Sivakasi West, Sivakasi Taluk, Virudhunagar District, by considering the petitioner's representation, dated 08.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme on 17.07.2017 in connection with Aadi Pongal Festival of "Sri Karaiyadi Muniyandi Kovil" situated at Gandhi Nagar, Reserve Line, Sivakasi Taluk, Virudhunagar District. He further submitted that in this connection, a representation was given to the second respondent on 08.07.2017, 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 Special Government Pleader appearing for the respondents produced the communication received from the Sub Inspector of Police, Sivakasi Town Police Station, Sivakasi, Virughunagar District. In the communication, it is indicated that by permitting "Adal Padal" programme, there is likelihood of law and order problem. However, from the communication, it is seen that the objection is only subjective and not objective. Hence, taking into consideration the objection, this Court is inclined to dispose of the writ petition with a direction to the second respondent/Inspector of Police, Sivakasi Town Police Station, Sivakasi, Virughunagar District, to consider the representation of the petitioner, dated 08.07.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with Aadi Pongal Festival of "Sri Karaiyadi Muniyandi Kovil" situated at Gandhi Nagar, Reserve Line, Sivakasi West, Sivakasi Taluk, Virudhunagar District, scheduled to be held on 17.07.2017, subject to the following conditions and any other reasonable restrictions that may be imposed by the respondent in the interest of public and to preserve the law and order:

(a) the "Adal Padal" programme in connection with Aadi Pongal Festival at "Sri Karaiyadi Muniyandi Kovil" situated at Gandhi Nagar, Reserve Line, Sivakasi West, Sivakasi Taluk, Virudhunagar District, scheduled to be held on 17.07.2017 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;

<https://hcservices.ecourts.gov.in/hcservices/>

(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,
Virughunagar District,
Virughunagar.

2.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virughunagar District.

+1 CC TO MR.C.JEYA PRAKASH, ADVOCATE, SR NO.64900

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.65250

IA / CMR

MAS/SKN-RSK/SAR1:14.07.2017:3P-5C

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12.07.2017