



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**W.P.(MD) No. 12819 of 2017

WEB COPY

P.Vellasamy

... Petitioner

-Vs-

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

... Respondents

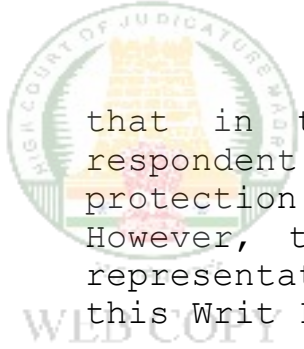
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner representation dated 04.07.2017 to grant permission to conduct the "Aadi Pongal Festival" as well as other programmes and also to conduct the "Aadal Padal" at about 06.00 p.m. to 11.00 p.m. on 09.08.2017 in temple namely "Sri Vellaiyappa Ayyanar, Sri Vilangu Karuppar and Sri Vinayagar Kovil" in Navakudipatti Vaiyapuri, Arasamalai Post, Ponnamaravathi Taluk, Pudukottai 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 04.07.2017 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 09.08.2017 in temple namely "Sri Vellaiyappa Ayyanar, Sri Vilangu Karuppar and Sri Vinayagar Kovil" in Navakudipatti Vaiyapuri, Arasamalai Post, Ponnamaravathi Taluk, Pudukottai District.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Aadi Pongal and Aadal Paadal" programme on 09.08.2017 in connection with a festival in "Sri Vellaiyappa Ayyanar, Sri Vilangu Karuppar and Sri Vinayagar Kovil" in Navakudipatti Vaiyapuri, Arasamalai Post, Ponnamaravathi Taluk, Pudukottai District. He further submitted



that in this connection, a representation was given to the respondent on 04.07.2017, 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 Additional Government Pleader appearing for the respondents.

4. The learned Additional Government Pleader appearing for the respondents has produced before this Court, a communication, dated 12.07.2017, received from the Special Sub Inspector, Karaiyur Police Station, Pudukottai District, stating that the police has objection. However the objection in the communication is only subjective not for objective reason.

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. 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, Karaiyur Police Station, Pudukottai District, is directed to consider the representation of the petitioner, dated 04.07.2017 and to give permission and to provide police protection for "Aadi Pongal and Aadal Paadal" programme in connection with the festival in "Sri Vellaiyappa Ayyanar, Sri Vilangu Karuppar and Sri Vinayagar Kovil" situated at Navakudipatti Vaiyapuri, Arasamalai Post, Ponnamaravathi Taluk, Pudukottai District, scheduled to be held on 09.08.2017, subject to the following conditions;

(a) the "Aadi Pongal and Aadal Paadal" programme in connection with the festival in "Sri Vellaiyappa Ayyanar, Sri Vilangu Karuppar and Sri Vinayagar Kovil" situated at Navakudipatti Vaiyapuri, Arasamalai Post, Ponnamaravathi Taluk, Pudukottai District, scheduled to be held on 09.08.2017 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 corrupt 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 (CS-I)

/True copy/

Sub Assistant Registrar

To

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

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

+1 CC to M/s.C.JEYAPRAKASH, Advocate, SR No. 64901

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 65241.

CMR/IA

PSM/SKN-RSK/SAR4/19.07.2017/3P/5C

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