



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.07.2017
CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

WEB COPY

W.P.(MD) No. 12828 of 2017

S.Muthukumar

... Petitioner

-Vs-

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

2.The Inspector of Police,
Kulathur Police Station,
Vilathikulam Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to grant permission and protection for "Aadal Paadal Programme" perform in "Thiruvizha" scheduled to be held on 14.07.2017 at 8.00 P.M., to 12.00 P.M. at Arulmigu Sri Pathra Kalamman Thirukovil at Kulathur North Colony, Kulathur, Vilathikulam Taluk, Thoothukudi District by considering the petitioner's representation dated 08.07.2017.

For Petitioner	: Mr.R.Karthic Rajan
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 respondents to grant permission and protection for "Aadal Paadal Programme" perform in "Thiruvizha" scheduled to be held on 14.07.2017 at 8.00 P.M., to 12.00 P.M. at Arulmigu Sri Pathra Kalamman Thirukovil at Kulathur North Colony, Kulathur, Vilathikulam Taluk, Thoothukudi 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 "Aadal Paadal" programme on 14.07.2017 in connection with a festival in "Arulmigu Sri Pathra Kalamman Thirukovil" situated at Kulathur North Colony, Kulathur, Vilathikulam Taluk, Thoothukudi District. He further submitted that in this connection, a representation was given to the respondents 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. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

4. The learned Additional Government Pleader appearing for the respondent has produced before this Court, a communication, dated 12.07.2017, received from the Special Sub Inspector, Kulathur Police Station, Thoothukudi District, stating that the programme is likely to attract the public from nearby villages. More than 3000 people are likely to assemble, which may lead to law and order problem. Further, it was pointed out that the organizers of the programme use mike-set and Flex Boards representing communities. Hence, he has requested not to grant permission in view of the likely hood of law and order problem. When enquired about the antecedents during such programmes in previous years, the respondent police has submitted that no untoward incident reported.

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 espondent/ The Inspector of Police, Kulathur Police Station, Thoothukudi District, is directed to consider the representation of the petitioner, dated 08.07.2017 and to give permission and to provide police protection for "Aadal Paadal" programme in connection with the festival in "Arulmigu Sri Pathra Kaliyamman Thirukovil" situated at Kulathur North Colony, Kulathur, Vilathikulam Taluk, Thoothukudi District, scheduled to be held on 14.07.2017, subject to the following conditions;

(a) the "Aadal Paadal" programme in connection with the festival in "Arulmigu Sri Pathra Kaliyamman Thirukovil" situated at Kulathur North Colony, Kulathur, Vilathikulam Taluk, Thoothukudi District, scheduled to be held on 14.07.2017 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 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.

(k) The respondent police is at liberty to put any reasonable restrict or condition so as to ensure the maintenance of law and order and communal harmony.

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 direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Kulathur Police Station,
Vilathikulam Taluk, Thoothukudi District.

+1cc to M/S.R.Karthic Rajan, Advocate SR.No. 64879

+1cc to Special Government Pleader, SR.No. 65260

W.P.(MD) No. 12828 of 2017

12.07.2017