



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2017

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDARW.P. (MD) No. 12961 of 2017

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Thirumalaiyandi

... Petitioner

-Vs-

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli

2.The Inspector of Police,
Poovarchatram Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant permission to conduct Orchestra (Innisai Kacheri) scheduled to be held on 03.08.2017 at 10.00 p.m. to 01.00 a.m. in "Thiruvizha" at "Arulmighu Pon Sudalaimada Swamy Kovil, Kalloorani, Pavoorchathiram, Tirunelveli District.

For Petitioner
For Respondents

: Mr.S.Sivakumar
: Mr.A.K.Baskarapandian
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 to conduct Orchestra (Innisai Kacheri) scheduled to be held on 03.08.2017 at 10.00 p.m. to 01.00 a.m. in "Thiruvizha" at "Arulmighu Pon Sudalaimada Swamy Kovil, Kalloorani, Pavoorchathiram, Tirunelveli District.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct Orchestra (Innisai Kacheri) scheduled to be held on 03.08.2017 at 10.00 p.m. to 01.00 a.m. in "Thiruvizha" at "Arulmighu Pon Sudalaimada Swamy Kovil, Kalloorani, Pavoorchathiram, Tirunelveli District. He further submitted that in this connection, a representation was given to the second respondent on 10.07.2017, 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 Special Government Pleader appearing for the respondents stated that the programme is likely to attract the public from nearby villages and that therefore permission may be granted subject to stringent condition.

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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/Inspector of Police, Poovarchatram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 10.07.2017 and to give permission and to provide police protection for "Adal Padal" dance programme in connection with the festival in "Arulmigu Pon Sudalaimada Swamy Kovil, Kalloorani, Pavoorchathiram, Tirunelveli District, scheduled to be held on 03.08.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the festival in "Arulmigu Pon Sudalaimada Swamy Kovil, Kalloorani, Pavoorchathiram, Tirunelveli District, scheduled to be held on 03.08.2017 at 10.00 p.m. to 01.00 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 the 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.

7. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli

2.The Inspector of Police,
Poovarchatram Police Station,
Tirunelveli District.

+1cc to Mr.S.Sivakumar,Advocate,SR.65207

+1cc to M/S.Special Government Pleader,SR.65617

W.P. (MD) No. 12961 of 2017
13.07.2017

DSS/CMR

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