



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No. 13032 of 2017

G.Paulchamy

... Petitioner

-Vs-

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

2. The Sub-Inspector of Police,
Devakottai Police Station,
Sivagangai District,

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the responders to grant permission and protection for "Adal Padal" programme perform by "Madurai Bat Boys Dance Group" in "Krishnan Jeyanthi Thiruvizha" scheduled to be held on 14.08.2017 at 09.00 p.m., to 01.00 p.m., at "Arulmigu Sri Radhakrishnan Perumal Thirukovil" at Kollan Kuriyiruppu, Thiruppakkottai Post, Devakottai Taluk, Sivagangai District by considering the petitioner's representation dated 12.07.2017.

For Petitioner : Mr.R.Karthicrajan
For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the respondents to grant permission and protection for cultural event namely "Aadal Padal" programme perform by "Madurai Bat Boys Dance Group" in "Krishnan Jeyanthi Thiruvizha" scheduled to be held on 14.08.2017 at 09.00 p.m., to 01.00 p.m., at "Arulmigu Sri Radhakrishnan Perumal Thirukovil" at Kollan Kuriyiruppu, Thiruppakkottai Post, Devakottai Taluk, Sivagangai District by considering the petitioner's representation dated 12.07.2017.



2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct "Aadal Padal" scheduled to be held on 14.08.2017 in connection with "Krishnan Jeyanthi Thiruvizha" in connection with "Arulmigu Sri Radhakrishnan Perumal Thirukovil" situated at Kollan Kuriyiruppu, Thiruppakkottai Post, Devakottai Taluk, Sivagangai District. He would further submit that in this connection, a representation was given to the respondent on 12.07.2017, 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 would submit that this Court may grant permission for "Aadal Padal" programme with stringent conditions. He would further submit that there is no adverse report against the Petitioner in conducting the "Aadal Padal" programme.

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

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. Hence this Court is inclined to pass the following direction:-

"The second respondent/ The Sub-Inspector of Police, Devakottai Police Station, Sivagangai District, is directed to consider the representation of the petitioner, dated 12.07.2017 and to give permission and to provide police protection for "Aadal Padal" programme in connection with the Festival in "Arulmigu Sri Radhakrishnan Perumal Thirukovil" at Kollan Kuriyiruppu, Thiruppakkottai Post, Devakottai Taluk, Sivagangai District" scheduled to be held on 14.08.2017, subject to the following conditions;

(a) the "Aadal Padal" programme in connection with the Festival in "Arulmigu Sri Radhakrishnan Perumal Thirukovil" at Kollan Kuriyiruppu, Thiruppakkottai Post, Devakottai Taluk, Sivagangai District" scheduled to be held on 14.08.2017, shall 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

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(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. The respondent concerned is directed to issue necessary permission, incorporating the above conditions and ensure the observance of the conditions to maintain public order and tranquillity. It is open to the respondent to take appropriate action in the event of non-observance of the conditions stipulated. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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

2. The Sub-Inspector of Police,
Devakottai Police Station,
Sivagangai District,

+1cc to Mr.R.Karthicrajan, Advocate Sr.No.65501

+1cc to Spl.Government Pleader Sr.No.65888

CMR/DSS

VB/SKN-RSK/SAR1/21.07.2017/3P/5C