



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDARW.P. (MD) No.13160 of 2017

R.Muthupandi

... Petitioner

Vs.

The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent herein to give necessary police protection and permit the petitioner to conduct "Adalum Padalum" cultural program during Arulmigu Kamatchi Othavarathan Karuthapandian Ayyammal Selvavinayagar Vandil Erulappaswamy Thirukovil Kodai festival Vagaithavur, K.Sivagnanapuram Post, Kayathar Taluk, Thoothukudi District. On 03.08.2017 and consider the petitioner's representation dated 13.07.2017.

For Petitioner : Ms.Lakshmi Gopinathan for
M/S.Polax Legal Solutions

For Respondent : Mr.A.K.Baskara Pandian
Special Government Pleader

ORDER

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the respondent herein to give necessary police protection and permit the petitioner to conduct "Adalum Padalum" cultural program during Arulmigu Kamatchi Othavarathan Karuthapandian Ayyammal Selvavinayagar Vandil Erulappaswamy Thirukovil Kodai festival Vagaithavur, K.Sivagnanapuram Post, Kayathar Taluk, Thoothukudi District. On 03.08.2017 and consider the petitioner's representation dated 13.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adalum Padalum" dance programme on 03.08.2017 in connection with a festival in Arulmigu Kamatchi Othavarathan Karuthapandian Ayyammal Selvavinayagar Vandil Erulappaswamy Thirukovil Kodai festival Vagaithavur, K.Sivagnanapuram Post, Kayathar Taluk, Thoothukudi District. He further submitted that in this connection, a representation was given to the respondent on 13.07.2017, with a request to grant police 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 respondent.

4. The learned Special Government Pleader appearing for the respondent on instructions submits that this Court may grant permission for "Adalum Padalum" programme subject to stringent conditions.

5. Taking into consideration the facts of the present case, this Court is inclined to pass the following direction:-

The Respondent/Inspector of Police, Kayathar Police Station, Thoothukudi District, is directed to consider the representation of the petitioner, dated 03.08.2017 and to give permission and to provide police protection for "Adalum Padalum" dance programme in connection with the festival in Arulmigu Kamatchi Othavarathan Karuthapandian Ayyammal Selvavinayagar Vandil Erulappaswamy Thirukovil Kodai festival Vagaithavur, K.Sivagnanapuram Post, Kayathar Taluk, Thoothukudi District, scheduled to be held on 03.08.2017, subject to the following conditions;

(a) the "Adalum Padalum" programme in connection with the festival in "Arulmigu Kamatchi Othavarathan Karuthapandian Ayyammal Selvavinayagar Vandil Erulappaswamy Thirukovil Kodai festival Vagaithavur, K.Sivagnanapuram Post, Kayathar Taluk, Thoothukudi District, scheduled to be held on 03.08.2017 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;

(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 the 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 (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.66290

+1cc to POLAX LEGAL SOLUTIONS in SR. No.66224

AKV

JS/SKN.RSK/SAR.4/24.07.2017/3P-4C

W.P. (MD) No.13160 of 2017
18.07.2017