



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.13228 of 2017

R.Karuppusamy

... Petitioner

-Vs-

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

2. The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and protection for Adal Padal program perform in "Mulaippari Urchava Vizha" scheduled to be held on 02.08.2017 at 07.00 pm., at Arulmigu Sri Veeramahaliyamman Thirukovil at Maranadu, Thiruppachethi Via, Manamadurai Taluk, Sivagangai District by considering the petitioner's representation dated 11.07.2017.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the respondents to grant permission and protection for Adal Padal program to be performed in "Mulaippari Urchava Vizha" scheduled to be held on 02.08.2017 at 07.00 pm., at Arulmigu Sri Veeramahaliyamman Thirukovil at Maranadu, Thiruppachethi Via, Manamadurai Taluk, Sivagangai District by considering the petitioner's representation dated 11.07.2017.

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



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme on 02.08.2017 in connection with "Mulaippari Urchava Vizha" in "Arulmigu Sri Veeramahaliyamman Thirukovil", at Maranadu, Thiruppachethi Via, Manamadurai Taluk, Sivagangai District. He further submitted that in this connection, a representation was given to the second respondent on 11.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the second respondent police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondent submitted that subject to stringent conditions, permission for "Adal Padal" programme can be granted. It is also reported that some incident has taken place. However, it is also admitted that it is not in relation to conduct of any programme.

5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with a direction to the 2nd respondent/The Inspector of Police, Thiruppachethi Police Station, Sivagangai District, is directed to consider the representation of the petitioner, dated 11.07.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with "Mulaippari Urchava Vizha" in "Arulmigu Sri Veeramahaliyamman Thirukovil", at Maranadu, Thiruppachethi Via, Manamadurai Taluk, Sivagangai District, scheduled to be held on 02.08.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with "Mulaippari Urchava Vizha" in "Arulmigu Sri Veeramahaliyamman Thirukovil", at Maranadu, Thiruppachethi Via, Manamadurai Taluk, Sivagangai District, scheduled to be held on 02.08.2017, 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

<https://hcservices.courts.gov.in/hcservices> 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 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 second 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 up any Flex Boards representing any community. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.

+1cc to Mr.R.Karthic Rajan, Advocate Sr.No.66463

+1cc to Spl.Government Pleader Sr.No. 66619

GNS/SRM

VB/SKN/RSK/SAR3/25.07.2017/3P/5C