



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

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

W.P.(MD) No.13230 of 2017

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S.Rajamani

... Petitioner

-Vs-

1. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

2. The Sub-Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records relating to the impugned order dated 11.07.2017 passed by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to give permission and protection to perform the "Adal-Padal, Mimicry and Comedy Show" programme held on 24.07.2017 in respect of the temple festival namely Arulmigu Santhana Mari Amman Temple situated at Singaneri, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.S.Sekar
For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader

ORDER

This Writ petition is filed for issuing a Writ of Certiorari Mandamus, to call for the records relating to the impugned order dated 11.07.2017 passed by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to give permission and protection to perform the "Adal-Padal, Mimicry and Comedy Show" programme held on 24.07.2017 in respect of the temple festival namely Arulmigu Santhana Mari Amman Temple situated at Singaneri, Nanguneri Taluk, Tirunelveli District.

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, Mimicry and comedy Show" programme on 24.07.2017 in respect of the temple festival namely Arulmigu Santhana Mari Amman Temple situated at Singaneri, Nanguneri Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 11.07.2017, with a request to grant permission and protection to conduct the programme on the above said date and the same was rejected by the second respondent police, by the impugned order, dated 11.07.2017 and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondents submitted that this Court may grant permission for "Adal-Padal, Mimicry and Comedy Show" programme subject to stringent conditions.

5. Considering the facts and circumstances of the case, the impugned order passed by the second respondent, dated 11.07.2017, is quashed and the Writ petition is allowed. The 2nd respondent/The Sub-Inspector of Police, Nanguneri Police Station, Tirunelveli 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, Mimicry and Comedy Show" programme in respect of the temple festival namely Arulmigu Santhana Mari Amman Temple situated at Singaneri, Nanguneri Taluk, Tirunelveli District, scheduled to be held on 24.07.2017, subject to the following conditions;

(a) the "Adal-Padal, Mimicry and Comedy Show" programme in respect of the temple festival namely Arulmigu Santhana Mari Amman Temple situated at Singaneri, Nanguneri Taluk, Tirunelveli District, scheduled to be held on 24.07.2017 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;

<https://hcservices.ecourts.gov.in/> (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;

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(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 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

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
2. The Sub-Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

+1 CC to M/s. S.SEKAR, Advocate, SR No. 66485.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 66616.

GNS/SRM

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

W.P.(MD) No. 13230 of 2017
19.07.2017