



WEB COPY

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. 13329 of 2017

Rajinikanth

... Petitioner

-Vs-

The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant permission and protection for cultural event namely "Adal Padal" scheduled to be held on 25.07.2017 and 26.07.2017 at night in connection with "Aadi Pooram Perun Thiruvizha" in Arulmigu Sri Muthumariamman Temple at Nadiyam Village, Peravoorani Taluk, Thanjavur District, by considering the petitioner's representation dated 10.07.2017.

For Petitioner : Mr.B.Anandan

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 seeking a direction to the respondent to grant permission and protection for cultural event namely "Adal Padal" scheduled to be held on 25.07.2017 and 26.07.2017 at night in connection with "Aadi Pooram Perun Thiruvizha in Arulmigu Sri Muthumariamman Temple" at Nadiyam Village, Peravoorani Taluk, Thanjavur District, by considering the petitioner's representation dated 10.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" dance programme on 25.07.2017 and 26.07.2017 in connection with a festival in "Aadi Pooram Perun Thiruvizha in Arulmigu Sri Muthumariamman Temple" at Nadiyam Village, Peravoorani Taluk, Thanjavur District. He further submitted that in this connection, a representation was given to the 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 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 submitted that permission can be granted subject to stringent conditions. When enquired about the antecedents during such programmes in previous years, the respondent police has submitted that no untoward incident reported.

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 respondent/Inspector of Police, Sethubavachathiram Police Station, Thanjavur 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 "Aadi Pooram Perun Thiruvizha in Arulmigu Sri Muthumariamman Temple" at Nadiyam Village, Peravoorani Taluk, Thanjavur District, scheduled to be held on 25.07.2017 and 26.07.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the festival in "Aadi Pooram Perun Thiruvizha in Arulmigu Sri Muthumariamman Temple" at Nadiyam Village, Peravoorani Taluk, Thanjavur District, scheduled to be held on 25.07.2017 and 26.07.2017 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;

(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 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

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.66611

+1cc to M/s. B.ANANDAN Advocate in SR. No.66676

GSP

JS/SKN.RSK/SAR.1/21.7.2017/3P-4C

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19.07.2017