



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.13425 of 2017

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R.Muthukrishnan

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to give police protection to conduct cultural programme (Music and Dance) is to be held on 23.07.2017 during the temple festival of Arulmigu Chinnan Swamy Temple situated at Mallakottai Village, Thiruppathur Taluk, Sivagangai District by considering the representation of the petitioner dated 17.07.2017.

For Petitioner : Mr.S.Sekar

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

O R D E R

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 necessary protection to perform the cultural programme (ie.,) "Music and Dance" on 23.07.2017 in the eve of the "Arulmighu Chinnan Swamy Temple" at Mallakottai Village, Thiruppathur Taluk, Sivagangai District, by considering the petitioner's representation, dated 17.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Music and Dance" programme on 23.07.2017 in connection with the festival of "Arulmighu Chinnan Swamy Temple" at Mallakottai Village, Thiruppathur Taluk, Sivagangai District. He further submitted that in this connection, a representation was given to the second respondent on 17.07.2017, 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.



3. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that there is likelihood of law and order problem due to the fact that the programme is likely to attract more crowd from neighbouring villages. However, he submitted that no untoward incident is reported earlier.

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4. Since, no other incidents reported during previous years and no antecedent indicating communal disharmony is reported, denying permission to the petitioner will amount to discrimination as similar permission is given throughout the State. Hence, considering the facts and circumstances of the case, the Writ Petition is disposed of with a direction to the second respondent/Inspector of Police, S.S.Kottai Police Station, Sivagangai District, to consider the representation of the petitioner, dated 17.07.2017 and to give permission and to provide police protection for "Music and Dance" programme in connection with the festival of "Arulmighu Chinnan Swamy Temple" at Mallakottai Village, Thiruppathur Taluk, Sivagangai District, scheduled to be held on 23.07.2017, subject to the following conditions and any other reasonable restrictions that may be imposed by the second respondent in the interest of public and to preserve the law and order:

(a) the "Music and Dance" programme in connection with the festival of "Arulmighu Chinnan Swamy Temple" at Mallakottai Village, Thiruppathur Taluk, Sivagangai District, scheduled to be held on 23.07.2017 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 the 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.

No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

sub Assistant Registrar

To

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.

+1cc to Mr.S.Sekar, Advocate,SR.66790

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