



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.13441 of 2017

M.Jeyakodi

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
C2 Subramaniapuram Police Station,
Subramaniapuram,
Madurai.

... 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 grant permission and police protection for Adal Padal programme perform by "Thirunagar Kishkintha Dance Group" in "Thiruvizha" scheduled to be held on 05.08.2017 at 09.00 p.m. at Arulmigu Sri Kabaliamman Thirukovil at Bykkara, Madurai by considering the petitioner's representation dated 17.07.2017.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : 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 respondents to grant permission and police protection for Adal Padal programme perform by "Thirunagar Kishkintha Dance Group" in "Thiruvizha" scheduled to be held on 05.08.2017 at 09.00 p.m. at Arulmigu Sri Kabaliamman Thirukovil at Bykkara, Madurai 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 "Adal Padal" programme by "Thirunagar Kishkintha Dance Group" on 05.08.2017, in



connection with a festival of "Arulmigu Sri Kabaliamman Thirukovil" situated at Bykkara, Madurai. 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 instruction submitted that there is likelihood of law and order problem, due to the fact that the programme is likely attract more crowd of people from neighbouring villages and further submitted that no untoward incident took place in the past years.

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 being 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, C2 Subramaniapuram Police Station, Subramaniapuram, Madurai, to consider the representation of the petitioner, dated 17.07.2017 and to give permission and to provide police protection for "Adal Padal" programme by "Thirunagar Kishkintha Dance Group" in connection with the festival of "Arulmigu Sri Kabaliamman Thirukovil" situated at Bykkara, Madurai, scheduled to be held on 05.08.2017, subject to the following conditions and any other reasonable restrictions that may be imposed by the respondent in the interest of public and to preserve the law and order:

(a) the "Adal Padal" programme by "Thirunagar Kishkintha Dance Group" in connection with the festival at "Arulmigu Sri Kabaliamman Thirukovil" situated at Bykkara, Madurai, scheduled to be held on 05.08.2017 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;

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

No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Inspector of Police,
C2 Subramaniapuram Police Station,
Subramaniapuram, Madurai.

+1cc to R.Karthic Rajan, Advocate Sr.No.66745
+1cc to The Spl.Government Pleader Sr.No.67271

SRM/IA

VB/JC/SAR1/26.07.2017/3P/5C

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20.07.2017