

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 21.07.2017****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) No.13495 of 2017**

V.Subramanian

... Petitioner

Vs.

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

2.The Inspector of Police (L&O),
C2, Subramaniyapuram Police Station,
Madurai.

... Respondents

Prayer: Writ Petition is 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 necessary protection to perform cultural programme of "New Mr.Romeo Nadana Natiya Nigalchi and Abinaya Kalai Nigalchi (Adal Padal)" scheduled to be held on 05.08.2017 and 06.08.2017 respectively in the temple festival of "Arulmighu Sri Gowriyamman Kovil" situated at Ward No.92, Kovalan Nagar, Madurai City.

For Petitioner : Mr.D.Farjana Ghoushia

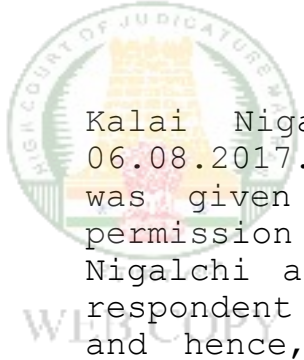
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondent to grant permission and necessary protection to perform cultural programme of "New Mr.Romeo Nadana Natiya Nigalchi and Abinaya Kalai Nigalchi (Adal Padal)" scheduled to be held on 05.08.2017 and 06.08.2017 respectively in the temple festival of "Arulmighu Sri Gowriyamman Kovil" situated at Ward No.92, Kovalan Nagar, Madurai City.

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

3.The learned counsel for the petitioner would submit that there is a temple called "Arulmighu Sri Gowmariyamman Kovil" in Ward No.92, Kovalan Nagar, Madurai City. Every year, during the month of Aadi, festival is conducted in the said temple with cultural programmes. This year, 43rd Pongal Urchava Vizha is proposed to be celebrated on 04.08.2017 to 07.08.2017. In view of that, a "Cultural Programme" with "New Mr.Romeo Nadana Natiya Nigalchi and Abinaya



Kalai Nigalchi (Adal Padal)" is scheduled on 05.08.2017 and 06.08.2017. In this connection, a representation, dated 13.07.2017 was given to the respondent police, with a request to grant permission to conduct Aadal Padal with "New Mr.Romeo Nadana Natiya Nigalchi and Abinaya Kalai Nigalchi (Adal Padal)". However, the respondent Police has not considered the request of the petitioner and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that every year, cultural programmes in the temple festival are conducted in a peaceful manner by the villagers and there will be no untoward incident by the people of the village.

4.The learned Special Government Pleader appearing for the respondents, on instructions, would submit that there is a likelihood of law and order problem in the temple festival and the permission sought for by the petitioner may be granted with stringent conditions for maintaining law and order and also to avoid any untoward incident, during the performance of such programme.

5.The learned Special Government Pleader appearing for the respondents, on instructions, would further submit that there is no untoward incident reported during the celebration of temple festival last year.

6.The said submission of the learned Special Government Pleader is recorded.

7.Considering the fact that the "Aadal Padal" programme or even other programmes relating to the temple festivals are being permitted through out the State, subject to usual conditions, denying permission to the petitioner will amount to discrimination. Hence, taking into consideration the serious objections raised by the learned Special Government Pleader for the respondents, this Court is inclined to issue the following directions:

The second respondent/The Inspector of Police (L & O), C-2, Subramaniyapuram Police Station, Madurai, is directed to consider the representation of the petitioner, dated 13.07.2017 and to give permission and to provide police protection for "Aadal Padal" programme in connection with a festival in Kovalan Nagar Main Road, Madurai District, scheduled to be held on 05.08.2017 and 06.08.2017, subject to the following conditions;

(a) the "Aadal Padal" programme in connection with a festival in Arulmighu Sri Gowrimariyamman Kovil, situated at Ward No.92, Kovalan Nagar Main Road, Madurai District, scheduled to be held on 05.08.2017 and 06.08.2017, should be completed before 10.30 p.m.

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

(c) no songs, touching upon any political party or religion, community or caste be played;



(d) no flex boards in support of any political party or religious leader be erected;

(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) 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;

(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

(i) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

8. 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.

9. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police (L&O),
C2, Subramaniyapuram Police Station,
Madurai.

+1cc to The Special Government Pleader in SR. No.67288

+1cc to Mr.D.Farjana Ghoushia Advocate in SR. No.66894

VS/LS

JS/KK/SAR.3/28.7.2017/3P-5C

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21.07.2017