



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.13498 of 2017

P.Sivapandi

... Petitioner

Vs.

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

2.The Inspector of Police,
Karimedu Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to grant permission for conducting the "Nadana Natiya Negalchi" (Adal Padal) on 05.08.2017 at Arulmiku Sri Nageswariamman Thirukovil situated at Muthuramalingam Nagar, Mettu Street, Pethaneyapuram, Madurai.

For Petitioner : Mr.D.Farjana Ghoushia

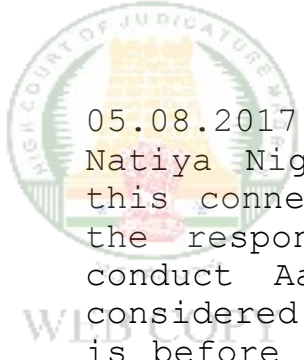
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

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 for conducting the "Nadana Natiya Negalchi" (Adal Padal) on 05.08.2017 at Arulmiku Sri Nageswariamman Thirukovil situated at Muthuramalingam Nagar, Mettu Street, Pethaneyapuram, Madurai.

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 Arulmiku Sri Nageswariamman Thirukovil situated at Muthuramalingam Nagar, Mettu Street, Pethaneyapuram, Madurai. Every year, during the month of Aadi, festival is conducted in the said temple with cultural programmes. This year, 31st Urchava Vizha is proposed to be celebrated on 03.08.2017 to



05.08.2017. In view of that, a "Cultural Programme" viz., Nadana Natiya Nigalchi is scheduled to be conducted on 05.08.2017. In this connection, a representation, dated 14.07.2017 was given to the respondent police, with a request to grant permission to conduct Aadal 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, Karimedu Police Station, Madurai City, is directed to consider the representation of the petitioner, dated 14.07.2017 and to give permission and to provide police protection for "Aadal Padal" programme in connection with a festival in Arulmiku Sri Nageswariamman Thirukovil situated at Muthuramalingam Nagar, Mettu Street, Pethaneyapuram, Madurai, scheduled to be held on 05.08.2017, subject to the following conditions;

(a) the "Aadal Padal" programme in connection with a festival in Arulmiku Sri Nageswariamman Thirukovil situated at Muthuramalingam Nagar, Mettu Street, Pethaneyapuram, Madurai, scheduled to be held on 05.08.2017, 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.

7. 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.

8. The writ petition is disposed of accordingly. 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, Karimedu Police Station,
Madurai District.

+1CC to Mr.D.Farjana Ghoushia, Advocate, SR.No. 66895

+1CC to the Special Government Pleader SR.No. 67286

W.P.(MD) No. 13498 of 2017

21.07.2017