



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.13500 of 2017

WEB COPY

A.Nagendran

... Petitioner

Vs.

The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent herein to give necessary police protection and permit the petitioner to conduct "Adalum Padalum" Cultural program during Arulmigu Manthaikaliyamman Thirukovil Kumbabiseka festival Therkkuthuru, T.Sanarpatti, M.Kallupatti, Peraiyur Taluk, Madurai District. On 28.07.2017 and consider the petitioner's representation dated 18.07.2017.

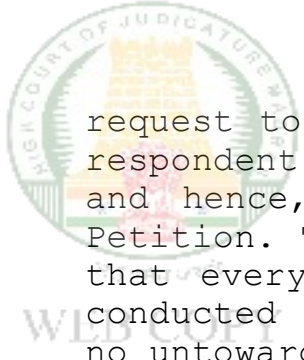
For Petitioner	: Mr.Polax Legal Solutions Lakshmi Gopinathan
For Respondent	: Mr.A.K.Baskara Pandian Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondent to to give necessary police protection and permit the petitioner to conduct "Adalum Padalum" Cultural program during Arulmigu Manthaikaliyamman Thirukovil Kumbabiseka festival Therkkuthuru, T.Sanarpatti, M.Kallupatti, Peraiyur Taluk, Madurai District, scheduled to be held on 28.07.2017, on the basis of the petitioner's representation dated 18.07.2017.

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 "Arulmigu Manthaikaliyamman Thirukovil situated at Therkkuthuru, T.Sanarpatti, M.Kallupatti, Peraiyur Taluk, Madurai District. Kumbabisheka festival in the said temple is scheduled to be held on 28.07.2017. In view of that, a "Cultural Programme" namely "Adal Padal" is proposed to be conducted on the same day. In this connection, a representation, dated 18.07.2017 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 respondent, on instructions, would submit that there is a likelihood of communal unrest 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 respondent, on instructions, would further submit that there is no untoward incident reported during the celebration of temple festival with cultural programmes.

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 respondent, this Court is inclined to issue the following directions:

The respondent/The Inspector of Police, M.Kallupatti Police Station, Madurai, is directed to consider the representation of the petitioner, dated 18.07.2017 and to give permission and to provide police protection for "Aadal Padal" programme in connection with the Kumbabisheka festival of Arulmigu Manthaikaliyamman Thirukovil, situated at Therkkutheru, T.Sanarpatti, M.Kallupatti, Peraiyur Taluk, Madurai District, scheduled to be held on 28.07.2017, subject to the following conditions;

(a) the "Aadal Padal" programme in connection with a festival in Arulmigu Manthaikaliyamman Thirukovil situated at Therkkutheru, T.Sanarpatti, M.Kallupatti, Peraiyur Taluk, Madurai District, scheduled to be held on 28.07.2017, 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 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 (AE)

/True copy/

Sub Assistant Registrar

To
The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate, SR No. 66879.
+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 67285

VS/LS

PSM/SKN-RSK/SAR2/27.07.2017/3P/4C