



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.13519 of 2017

C.Shanmugam

... Petitioner

-Vs-

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Madhagupatty Police Station,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to give permission with protection to conduct the cultural function Aaadai-Paadai at Paganeri Palaya Valavu Public Stage in connection with "Mulaipaari Urchavam" festival of "Arulmigu Sree Mahamariyamman" Temple, Palaya Valavu, Paganeri, Sivagangai District, scheduled on 10.08.2017 based on the petitioner's representation, dated 16.07.2017.

For Petitioner : Mr.A.Prasanna Rajadurai for
M/S.S.Muthalraj.

For Respondents : Mr.A.K.Baskarapandiyan,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the second respondent to give permission with protection to conduct the cultural function "Aaadai-Paadai" at Paganeri Palaya Valavu Public Stage in connection with "Mulaipaari Urchavam" festival of "Arulmigu Sree Mahamariyamman" Temple, Palaya Valavu, Paganeri, Sivagangai District, scheduled on 10.08.2017 based on the petitioner's representation, dated 16.07.2017.

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



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Aadal-Paadal" programme on 10.08.2017 at Paganeri Palaya Valavu Public Stage in connection with "Mulaipaari Urchavam" festival in "Arulmigu Sree Mahamariyamman" Temple, Palaya Valavu, Paganeri, Sivagangai District. He further submitted that in this connection, a representation was given to the respondents on 16.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondents have not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader on instructions submitted that granting permission for "Aadal Padal" programme is likely to cause law and order problem and the respondent police expect more crowd from the neighbouring villages.

5. Though there are serious objections, this Court is of the view that similar programmes are conducted in all over the State of Tamil Nadu in relation to temple festivals, subject to usual conditions. Denying the permission to the petitioner, will amount to discrimination. Hence, this Court is of the view that the respondents can be directed to permit the petitioner to conduct the "Aadal-Paadal" programme.

6. Hence, the Writ Petition is disposed of with the following directions:

The second respondent/The Inspector of Police, Madhagupatty Police Station, Sivagangai District, is directed to consider the representation of the petitioner, dated 16.07.2017 and to give permission and to provide police protection for "Aadal-Paadal" programme at Paganeri Palaya Valavu Public Stage in connection with "Mulaipaari Urchavam" festival in "Arulmigu Sree Mahamariyamman" Temple, Palaya Valavu, Paganeri, Sivagangai District scheduled to be held on 10.08.2017, subject to the following conditions;

(a) the "Aadal-Paadal" programme at Paganeri Palaya Valavu Public Stage in connection with "Mulaipaari Urchavam" festival of "Arulmigu Sree Mahamariyamman" Temple, Palaya Valavu, Paganeri, Sivagangai District, scheduled to be held on 10.08.2017 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;

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(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 such performance;

(h) similarly, the Police is empowered to stop the 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.

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. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

1.The Superintendent of Police,Sivagangai District,
Sivagangai.

2.The Inspector of Police,Madhagupatty Police Station,
Sivagangai District.

+1CC to Mr.NA.Palaniyandi, Advocate, SR.No. 66932

+1CC to the Special Government Pleader SR.No. 67293

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