



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.07.2017
CORAM

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

W.P.(MD) No.13598 of 2017

S.Sekar

... Petitioner

-Vs-

The Inspector of Police,
Thirupathur Police Station,
Thirupathur,
Sivangangai District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant permission to perform the program of "Adal Padal" on 11.08.2017 night at about 8.00 p.m., to 12.00 a.m., at Arulmighu Sri Rajakaliyamman Thirukoil, situated at Thiruvudaiyarpatti, Thirupathur Taluk, Sivagangai District, and to provide adequate police protection based on the petitioner's representation, dated 15.07.2017 and 20.07.2017.

For Petitioner : M/s.S.Bharathi
For Respondent : 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 respondent to grant permission to perform the program of "Adal Padal" on 11.08.2017 night at about 8.00 p.m., to 12.00 a.m., at Arulmighu Sri Rajakaliyamman Thirukoil, at Thiruvudaiyarpatti, Thirupathur Taluk, Sivagangai District, and to provide adequate police protection based on the petitioner's representation, dated 15.07.2017 and 20.07.2017.

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 "Adal Padal" programme on 11.08.2017 in connection with a festival in "Arulmighu Sri Rajakaliyamman Thirukoil", at Thiruvudaiyarpatti, Thirupathur Taluk, Sivagangai District. He further submitted that in this connection, his representation was given to the respondent on 15.07.2017 and 20.07.2017, with a request to grant permission and



protection to conduct the programme on the above said date. However, the respondent not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondent submitted that the conduct of "Adal Padal" programme is likely to attract more crowd from the neighbouring villages and that therefore, there is a likelihood of law and order problem. However, he further submitted that no untoward incident is reported during past.

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

6. Considering the fact that the "Adal Padal" programme or even other cultural 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. Taking into consideration the serious objections raised by the learned Special Government Pleader for the respondents, this Writ petition is disposed of with the following directions:

The respondent/The Inspector of Police, Thirupathur Police Station, Thirupathur, Sivagangai District, is directed to consider the representation of the petitioner, dated 15.07.2017 and 20.07.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with a festival in "Arulmighu Sri Rajakaliamman Thirukoil", at Thiruvudaiyarpatti, Thirupathur Taluk, Sivagangai District, scheduled to be held on 11.08.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the a festival in "Arulmighu Sri Rajakaliamman Thirukoil", at Thiruvudaiyarpatti, Thirupathur Taluk, Sivagangai District, scheduled to be held on 11.08.2017 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/> 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.

6. 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. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Thirupathur Police Station,
Thirupathur,
Sivangangai District.

+1cc to M/S.S.Bharathi, Advocate SR.No. 67330
+1cc to Special Government Pleader, SR.No. 67990

W.P.(MD) No. 13598 of 2017
24.07.2017

PMU

JM/SKN RSK/SAR 3/28.07.2017/3P/4C