



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.13618 of 2017

WEB COPY

Chinnath Thevar

... Petitioner

-Vs-

1. The Deputy Superintendent of Police,
O/o. Superintendent of Police,
Usilampatti,
Madurai District.

2. The Inspector of Police,
Elumalai Police Station,
Usilampatti, Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No.2 to grant permission to the petitioner for conducting "Aadal Padal(dance programme)" show at the evening hours on 29.07.2017 in the light of "Sri Arulmighu Pethannaswamy" Temple "48th Kumpapisekam" at Rajakkapatti, Manuthu Village, Usilampatti Taluk, Madurai District.

For Petitioner : Mr.R.Karunanidhi

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 respondent No.2 to grant permission to the petitioner for conducting "Aadal Padal(dance programme)" show at the evening hours on 29.07.2017 in the light of "Sri Arulmighu Pethannaswamy" Temple "48th Kumpapisekam" at Rajakkapatti, Manuthu Village, Usilampatti Taluk, Madurai District.

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 Padal(dance programme)" show on 29.07.2017 in connection with a festival of "48th Kumpapisekam" in "Sri Arulmighu Pethannaswamy" Temple, at Rajakkapatti, Manuthu Village, Usilampatti Taluk, Madurai District. He further submitted that in this connection, a

representation was given to the second respondent on 18.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the second respondent has 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 respondents submitted that granting permission to conduct the "Aadal Padal(dance programme)" show is likely to attract more crowd from the neighbouring villages and there is a likelihood of law and order problem.

5. Considering the serious objections, the Writ Petition is disposed of with the following directions:

The second respondent/The Inspector of Police, Elumalai Police Station, Usilampatti, Madurai District, 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(dance programme)" show on 29.07.2017 in connection with a festival of "48th Kumpapisekam" in "Sri Arulmighu Pethannaswamy" Temple, at Rajakkapatti, Manuthu Village, Usilampatti Taluk, Madurai District, scheduled to be held on 29.07.2017, subject to the following conditions;

(a) the "Aadal Padal(dance programme)" show in connection with a festival of "48th Kumpapisekam" in "Sri Arulmighu Pethannaswamy" Temple, at Rajakkapatti, Manuthu Village, Usilampatti Taluk, Madurai District, scheduled to be held on 29.07.2017, 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;

(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 continues 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 the 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(C.S.)

To

1. The Deputy Superintendent of Police,
O/o. Superintendent of Police,
Usilampatti,
Madurai District.

2. The Inspector of Police,
Elumalai Police Station,
Usilampatti, Madurai District.

+1cc to M/S.R.KARUNANITHI, Advocate SR.No.67203

pmu

MAS/SKN-RSK/SAR3:26.07.2017:3P-4C

W.P.(MD) No. 13618 of 2017
24.07.2017