



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.07.2017
CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

WEB COPY

W.P.(MD) No. 13657 of 2017

D.Raja

... Petitioner

-Vs-

The Inspector of Police,
Athirampattinam Police Station,
Thanjavur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the responders to grant permission and protection "Giramiya Kalai Nigalchi/Cultural Events" scheduled to be held on 26.07.2017 at night in connection with " Aadipooram Festival" in Arulmigu Shri Thurkka Chelliyamman Temple at Adhirampattinam Village, Pattukottai Taluk, Thanjavur District, by considering the petitioner's representation dated 10.07.2017.

For Petitioner : Mr.S.Deenadhayalan
For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the respondents to grant permission and protection for cultural event namely "Giramiya Kalai Nigalchi/Cultural Events" scheduled to be held on 26.07.2017 at night in connection with "Aadipooram Festival" in Arulmigu Shri Thurkka Chelliyamman Temple at Adhirampattinam Village, Pattukottai Taluk, Thanjavur District, by considering the petitioner's representation dated 10.07.2017.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct "Giramiya Kalai Nigalchi/Cultural Events" scheduled to be held on 26.07.2017 at night in connection with "Aadipooram Festival" in Arulmigu Shri Thurkka Chelliyamman Temple at Adhirampattinam Village, Pattukottai Taluk, Thanjavur District. He would further submit that in this connection, a representation was given to the respondent on 10.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent Police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.



3. The learned Special Government Pleader appearing for the respondents would submit that this Court may grant permission for Giramiya Kalai Nigalchi/Cultural Events, with stringent conditions. He would further submit that there is no adverse report against the Petitioner in conducting the Giramiya Kalai Nigalchi/Cultural Events.

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

5. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every villages all over the state, preventing the petitioner from conducting such programme in this particular village will amount to discrimination. Hence this Court is inclined to pass the following direction:-

"The respondent/ The Inspector of Police, Athirampattinam Police Station, Thanjavur District, is directed to consider the representation of the petitioner, dated 10.07.2017 and to give permission and to provide police protection for "Giramiya Kalai Nigalchi / Cultural Events" in connection with "Aadipooram Festival" in Arulmigu Shri Thurkka Chelliyamman Temple at Adhirampattinam Village, Pattukottai Taluk, Thanjavur District' scheduled to be held on 26.07.2017, subject to the following conditions;

(a) the Giramiya Kalai Nigalchi / Cultural Events in connection with "Aadipooram Festival" in Arulmigu Shri Thurkka Chelliyamman Temple at Adhirampattinam Village, Pattukottai Taluk, Thanjavur District scheduled to be held on 26.07.2017, shall 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 dance 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. Since, the programme is scheduled to be conducted today, the learned Special Government Pleader is directed to inform the respondent the permission that has been granted by this Court and inform them not to insist for production of a copy of the order. The respondent concerned is directed to issue necessary permission, incorporating the above conditions and ensure the observance of the conditions to maintain public order and tranquillity. It is open to the respondent to take appropriate action in the event of non-observance of the conditions stipulated.. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Athirampattinam Police Station,
Thanjavur District.

+1cc to M/S.S.Deenadhayalan, Advocate SR.No. 68195

W.P.(MD) No. 13657 of 2017

26.07.2017

dsk/sss

JM/SKN RSK/SAR 2/27.07.2017/3P/3C