



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No.13660 of 2017

V.Perumal

... Petitioner

Vs.

The Inspector of Police,
Valandur 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 to grant permission and protection for Sri Paattan Pali Temple at Vadugapatti Village, Kodikulam Post, Usilampatti Taluk, Madurai District, on 03.08.2017 for the "Adal Padal dance" programme on the basis of the representation given by the petitioner dated 14.07.2017.

For Petitioner	: Mr.R.Amarnath
For Respondent	: Mr.A.K.Baskara Pandian Special Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondent to grant permission and protection for Sri Paattan Pali Temple at Vadugapatti Village, Kodikulam Post, Usilampatti Taluk, Madurai District, on 03.08.2017 for the "Adal Padal dance" programme on the basis of the representation given by the petitioner dated 14.07.2017.

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 submitted that the villagers jointly decided to conduct "Adal Padal" programme on 03.08.2017 in connection with a festival of "Sri Paattan Pali Temple" at Vadugapatti Village, Kodikulam Post, Usilampatti Taluk, Madurai District. He would further submit that in this connection, a representation was given to the respondent on 14.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent Police has not 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, on instructions, would submit that there is a likelihood of law and order problem 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. The learned Special Government Pleader appearing for the respondents, on instructions, would further submit that there is no untoward incident reported during the celebration of temple festival last year.

5. Since no other incident reported during previous years and no antecedent indicating communal disharmony is reported, denying permission to the petitioner will amount to discrimination as similar permission is given throughout the State. Hence, considering the facts and circumstances of the case, the Writ petition is disposed of with a direction to the respondent/The Inspector of Police, Valandur Police Station, Madurai District, to consider the representation of the petitioner, dated 14.07.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with the "Temple Festival" of "Sri Paattan Pali Temple" at Vadugapatti Village, Kodikulam Post, Usilampatti Taluk, Madurai District, scheduled to be held on 03.08.2017, subject to the following conditions and any other reasonable restrictions that may be imposed by the respondent in the interest of public and to preserve the law and order:

(a) the "Adal Padal" programme in connection with a festival in "Sri Paattan Pali Temple" at Vadugapatti Village, Kodikulam Post, Usilampatti Taluk, Madurai District, scheduled to be held on 03.08.2017 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.

No costs.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Valandur Police Station,
Madurai District.

+ 1 CC TO Mr.R.AMARNATH, ADVOCATE IN SR No. 67233
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 67960

SRM/LS
TE/MR-KKR/SAR-II : 28/07/2017 : 3P/4C

W.P. (MD) No. 13660 of 2017
24.07.2017