



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM

WEB COPY

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

W.P. (MD) No.13672 of 2017

N.Krishnan

... Petitioner

-Vs-

The Inspector of Police,
Ayyapuram Police Station,
Sankarankovil,
Tirunelveli District.

... Respondent

Prayer: Writ Petition 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 01.08.2017 night at about 08.00PM to 12.00 AM at Arulmigu Santhana Mariamman Thirukovil, situated at K.Karisalkulam, Sankarankovil, Tirunelveli District and to provide adequate police protection based on the petitioner's representations dated 15.07.2017 and 20.07.2017.

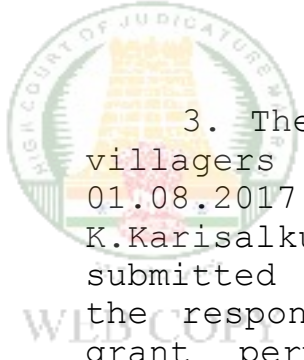
For Petitioner : M/s.S.Bharathi

For Respondent : Mr.A.K.Baskarapandian,
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 01.08.2017 night at about 08.00PM to 12.00 AM at Arulmigu Santhana Mariamman Thirukovil, situated at K.Karisalkulam, Sankarankovil, Tirunelveli District and to provide adequate police protection based on the petitioner's representations 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



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme on 01.08.2017 in Arulmigu Santhana Mariamman Thirukovil, situated at K.Karisalkulam, Sankarankovil, Tiurnelveli District. He further submitted that in this connection, representations were given to the respondent on 15.07.2017 and 20.07.2017, with a request to grant permission and to provide protection to conduct the programme on the above said date. However, the respondent police has not yet considered the said representations 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. He 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, Ayyapuram Police Station, Sankarankovil, Tirunelveli District, is directed to consider the representations 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 Arulmigu Santhana Mariamman Thirukovil, situated at K.Karisalkulam, Sankarankovil, Tiurnelveli District, scheduled to be held on 01.08.2017, subject to the following conditions or any other reasonable restrictions / conditions that may be imposed by the second respondent so as to maintain law and order and communal harmony:

(a) the "Adal Padal" programme in Arulmigu Santhana Mariamman Thirukovil, situated at K.Karisalkulam, Sankarankovil, Tiurnelveli District, scheduled to be held on 01.08.2017 and 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.e-courts.gov.in/hcservices>



(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.

No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

The Inspector of Police,
Ayyapuram Police Station,
Sankarankovil,
Tirunelveli District.

+One cc to M/s.S.Bharathi, Advocate, SR.No.67646

+One cc to The Special Government Pleader, SR.No.68301

cp/srm
RL/4C/3P/KK/SAR2/28/7/2017

W.P.(MD) No.13672 of 2017

25.07.2017