



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM

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

W.P.(MD) No.13673 of 2017

V.Ganeshamoorthy

... Petitioner

-Vs-

1. The Superintendent of Police,
Thanjavur District,
Thanjavur.

2. The Assistant Superintendent of Police,
Pattukottai Taluk,
Thanjavur.

3. The Inspector of Police,
Sedubavachatram Police Station,
Pattukottai Taluk,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to consider petitioner representation dated 11.07.2017 and thereby accord permission and protection for the functions and to conduct "Aadal-Padal Cultural programs" scheduled to be held on 14.08.2016 in the village festival of the village Temple namely Sri Arulmiku Ayyanar, Pancjayappan Temple situated in South street, Poovanam Village, Pattukottai Taluk, Thanjavur District.

For Petitioner : Mr.B.Tamil Nidhi

For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus directing the respondents herein to consider the petitioner representation dated 11.07.2017 and thereby accord permission and protection for the functions and to conduct "Aadal-Padal Cultural programs" scheduled to be held on 14.08.2016 in the village festival of the village Temple namely Sri Arulmiku Ayyanar,



Pancjayappan Temple situated in South street, Poovanam Village, Pattukottai Taluk, Thanjavur 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 Cultural programs" on 14.08.2017 in the village festival of the village Temple namely Sri Arulmiku Ayyanar Pancjayappan Temple situated in South street, Poovanam Village, Pattukottai Taluk, Thanjavur District. He further submitted that in this connection, a representation was given to the respondents on 11.07.2017, with a request to grant permission and provide 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.

4. The learned Special Government Pleader appearing for the respondents, 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 third respondent/The Inspector of Police, Sedubavachatram Police Station, Pattukottai Taluk, Thanjavur District, is directed to consider the representation of the petitioner, dated 11.07.2017 and to give permission and to provide police protection for "Aadal-Padal Cultural programs" on 14.08.2017 in the temple festival of Sri Arulmiku Ayyanar Pancjayappan Temple situated in South street, Poovanam Village, Pattukottai Taluk, Thanjavur District, scheduled to be held on 19.07.2017, subject to the following conditions or any other reasonable restrictions / conditions that may be imposed by the third respondent so as to maintain law and order and communal harmony:

(a) the "Aadal-Padal Cultural programs" in the temple festival of Sri Arulmiku Ayyanar Pancjayappan Temple situated in South street, Poovanam Village, Pattukottai Taluk, Thanjavur District,



scheduled to be held on 14.08.2017 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;

(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(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thanjavur District, Thanjavur.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Assistant Superintendent of Police,
Pattukottai Taluk, Thanjavur.



3. The Inspector of Police,
Sedubavachatram Police Station,
Pattukottai Taluk, Thanjavur District.

+1 cc to Mr.B.Tamil Nidhi , Advocate in SR.No. 67717
+1 cc to The Special Government Pleader in SR.No.68300

CP/SRM

AE/ MR/KKR/SAR2/28.07.2017/4P/6C

W.P.(MD) No. 13673 of 2017

25.07.2017