



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.07.2017

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CORAM
THE HON'BLE MR.JUSTICE S.S.SUNDAR
W.P. (MD) No.13674 of 2017

B.Rajkumar

... Petitioner

-Vs-

1.The Commissioner of Police,
Madurai City,
Madurai District.

2.The Inspector of Police,
C5, Karimedu Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to grant permission forthwith and police protection for Adal-padal, dancing program as scheduled to be held on 29.07.2017 during night in connection with "Temple Festival" of "Arulmigu Sri.Muthu Mariamman Thiru kovil" situated at Mela Ponnagaram, Vaikkal Karai Street, Madurai Town, Madurai District.

For Petitioner : Mr.S.Balamurugan

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 second respondent to grant permission forthwith and provide police protection for Adal-padal, dancing program as scheduled to be held on 29.07.2017 during night in connection with temple festival of "Arulmigu Sri.Muthu Mariamman Thiru kovil" situated at Mela Ponnagaram, Vaikkal Karai Street, Madurai Town, 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 "Adal Padal" dancing programme on 29.07.2017 in connection with temple festival of



"Arulmigu Sri Muthu Mariamman Thiru kovil" situated at Mela Ponnagaram, Vaikkal Karai Street, Madurai Town, Madurai District. He further submitted that in this connection, representations were given to the respondents on 19.07.2017 and 20.07.2017, 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 representations 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 second respondent/The Inspector of Police, C5, Karimedu Police Station, Madurai District, is directed to consider the representations of the petitioner, dated 19.07.2017 and 20.07.2017 and to give permission and to provide police protection for "Adal Padal" dancing programme in connection with "Temple Festival" of "Arulmigu Sri.Muthu Mariamman Thiru kovil" situated at Mela Ponnagaram, Vaikkal Karai Street, Madurai Town, Madurai District, scheduled to be held on 29.07.2017, 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" dancing programme in connection with the "Temple Festival" of Arulmigu Sri Muthu Mariamman Thiru kovil situated at Mela Ponnagaram, Vaikkal Karai Street, Madurai Town, 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 corrupt 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 Commissioner of Police,
Madurai City, Madurai District.

2.The Inspector of Police,
C5, Karimedu Police Station,
Madurai District.

+1cc to Mr.S.Balamurugan,Advocate,SR. 67644

+1cc to M/S.Special Government Pleader,SR.68299

W.P.(MD) No. 13674 of 2017
25.07.2017

CP/SRM

KK/SKN RSK/SAR/25.07.2017/3P-5C/