

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 25.07.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No. 13677 of 2017**

C.Alagar

... Petitioner

-Vs-

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

2. The Inspector of Police,
Annavasal Police Station,
Annavasal,
Pudukkottai District.

... Respondents

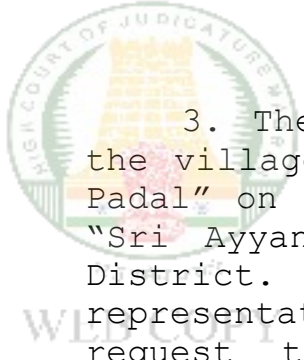
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner representation dated 19.07.2017 to grant permission to conduct the "Aadi Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Aadal Padal" at about 06.00 p.m., to 11.00 p.m., on 01.08.2017 in temple namely "Sri Ayyanar Kovil" in Chithannavasal, Iluppur Taluk, Pudukkottai District.

For Petitioner : Mr.C.Jeyaprakash.

For Respondents : Mr.A.K.Baskarapandian ,
Special Government Pleader.**O R D E R**

The petitioner has come forward with this Writ Petition to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 19.07.2017, to grant permission to conduct the "Aadi Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isam and Aadal Padal" at about 06.00 p.m., to 11.00 p.m., on 01.08.2017, in the temple namely "Sri Ayyanar Kovil" in Chithannavasal, Iluppur Taluk, Pudukkottai 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 would submit that the villagers jointly decided to conduct "Kiramiya Isai and Aadal Padal" on 01.08.2017, in connection with "Aadi Pongal Festival" at "Sri Ayyanar Kovil", Chithannavasal, Iluppur Taluk, Pudukkottai District. He would further submit that in this connection, a representation was given to the respondent on 19.07.2017, 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.

4. The learned Special Government Pleader appearing for the respondents would submit that the programme to be organized by the writ petitioner is likely to attract more crowd from neighbouring villages and therefore, there is likelihood of law and order problem. He further submitted that permission may be granted for "Kiramiya Isai and Aadal Padal" programme with stringent conditions.

5. On specific question being asked to the learned Special Government pleader as to the untoward incidents, it was reported that no such untoward incidents reported in the programme conducted by them in the previous years.

6. 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 second respondent / The Inspector of Police, Annavasal Police Station, Annavasal, Pudukkottai District, is directed to consider the representation of the petitioner, dated 19.07.2017 and to give permission and to provide police protection for "Kiramiya Isai and Aadal Padal" programme in connection with the Festival in "Sri Ayyanar Kovil" at Chithannavasal, Iluppur Taluk, Pudukkottai District scheduled to be held on 01.08.2017, subject to the following conditions;

(a) the ""Kiramiya Isai and Aadal Padal" programme in connection with the Festival in Sri Ayyanar Kovil" at Chithannavasal, Iluppur Taluk, Pudukkottai District scheduled to be held on 01.08.2017, 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.

7. The respondent 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(RTI)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Annavasal Police Station,
Annavasal,
Pudukkottai District.

+1cc to M/S. C.JEYAPRAKASH, Advocate, SR.No.67648.

+1cc to Special Government Pleader, SR.No.68298.

W.P.(MD) No. 13677 of 2017
25.07.2017