



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2017

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

W.P.(MD) No.13716 of 2017

P.Palanisamy

... Petitioner

-Vs-

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

2. The Inspector of Police,
Ambiligai Police Station,
Ambiligai
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation, dated 21.07.2017 to grant permission to conduct "Aavani 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 26.08.2017 in the temple, namely "Sri Kaliyamman Kovil", in Chinthanaipatti, Manthavadi post, Oddanchathiram Taluk, Dindigul District.

For Petitioner : Mr.C.Jeyaprakash

For Respondents : Mr.A.K.Baskara Pandiyan,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the second respondent to grant permission and protection for cultural event, namely, "Kiramiya Isai and Aadal Padal" scheduled to be held on 26.08.2017 at night connection with "Aavani Pongal" festival in "Sri Kaliyamman Kovil", Chinthanaipatti, Manthavadi post, Oddanchathiram Taluk, Dindigul District, by considering the petitioner's representation, dated 21.07.2017.



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 "Kiramiya Isai and Aadal Padal" programme on 26.08.2017 in connection with "Aavani Pongal" festival in "Sri Kaliyamman Kovil", Chinthanaipatti, Manthavadi post, Oddanchathiram Taluk, Dindigul District. He further submitted that in this connection, a representation was given to the second respondent on 21.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the second 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 respondent submitted that this Court may grant permission for "Kiramiya Isai and Aadal Padal" programme subject to stringent conditions.

5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

The 2nd respondent/The Inspector of Police, Ambiligai Police Station, Ambiligai, Dindigul District, is directed to consider the representation of the petitioner, dated 21.07.2017 and to give permission and to provide police protection for "Kiramiya Isai and Aadal Padal" programme in connection with "Aavani Pongal" festival in "Sri Kaliyamman Kovil", Chinthanaipatti, Manthavadi post, Oddanchathiram Taluk, Dindigul District, scheduled to be held on 26.08.2017, subject to the following conditions;

*(a) the "Kiramiya Isai and Aadal Padal" programme in connection with the "Aavani Pongal" festival in "Sri Kaliyamman Kovil", Chinthanaipatti, Manthavadi post, Oddanchathiram Taluk, Dindigul District, scheduled to be held on 26.08.2017 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;

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(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.

6. It is open to respondents to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting up any Flex Boards representing any community. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Dindigul District,
Dindigul.
2. The Inspector of Police,
Ambiligai Police Station,
Ambiligai
Dindigul District.

+1 cc to Mr.C.Jeya Prakash , Advocate in SR.No. 69199
+1 cc to The Special Government Pleader in SR.No.70224

pmu

AE/SV AAM/SAR1/08.08.2017/3P/5C