



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

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THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.(MD) No. 13772 of 2017

Komaiah Pandian

... Petitioner

-Vs-

1. The Superintendent of Police,
Thoothukudi District, Thoothukudi.
2. The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Thoothukudi District.
3. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, by directing the third respondent to accord necessary permission so as to hold a cultural programme namely Adal Padal Kalai Nigaltchi as well as Orchestra on 03.08.2017 in connection with the festive occasion of one Arulmigu Sankarshwari Amman Thirukovil, situated at Veeravanchi Nagar, Kovilpatti, Thoothukudi District by taking into consideration of petitioner representation dated 11.06.2017.

For Petitioner : Mr.M.Alagarsamy

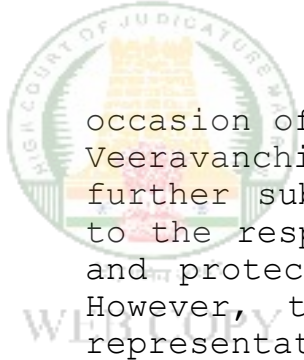
For Respondents: Mr.A.K.Baskarapandian

Special Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to direct the respondents to accord necessary permission so as to hold a cultural programme namely Adal Padal Kalai Nigaltchi as well as Orchestra on 03.08.2017 in connection with the festive occasion of one Arulmigu Sankarshwari Amman Thirukovil, situated at Veeravanchi Nagar, Kovilpatti, Thoothukudi District by taking into consideration of petitioner representation dated 11.06.2017.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to perform Adal Padal Kalai Nigaltchi as well as Orchestra on 03.08.2017 in connection with the festive



occasion of one Arulmigu Sankarashwari Amman Thirukovil, situated at Veeravanchi Nagar, Kovilpatti, Thoothukudi District. He would further submit that in this connection, a representation was given to the respondent on 11.06.2017, 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.

3. The learned Special Government Pleader appearing for the respondents would submit that the respondent police has some formal objections and admitted that no untoward incident has been report in connection with the programme during the past and this Court may grant permission for "Adal Padal Kalai Nigaltchi as well as Orchestra" with stringent conditions. He would further submit that there is no adverse report against the Petitioner in conducting the "Adal Padal Kalai Nigaltchi as well as Orchestra".

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. 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 third respondent/ The Inspector of Police, Kovilpatti West Police Station, Thoothukudi, is directed to consider the representation of the petitioner, dated 11.06.2017 and to give permission and to provide police protection for "Adal Padal Kalai Nigaltchi as well as Orchestra" scheduled to be held on 03.08.2017 in connection with the festive occasion of one Arulmigu Sankarashwari Amman Thirukovil, situated at Veeravanchi Nagar, Kovilpatti, Thoothukudi District, subject to the following conditions;

(a) "Adal Padal Kalai Nigaltchi as well as Orchestra" scheduled to be held on 03.08.2017 in connection with the festive occasion of one Arulmigu Sankarashwari Amman Thirukovil, situated at Veeravanchi Nagar, Kovilpatti, Thoothukudi District, shall be completed before 10.30 p.m on 03.08.2017.

(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.

6. The respondent concerned 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 (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thoothukudi District, Thoothukudi.
2. The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Thoothukudi District.
3. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 68670

+ 1 CC TO Mr.ALAGARSAMY, ADVOCATE IN SR No. 68765

DSK/SSS

TE/MP-KKB/SAB-IV : 01/08/2017 : 3P/6C
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