



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM

WEB COPY

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

W.P. (MD) No.13891 of 2017

K.Mariyappan

... Petitioner

-Vs-

The Inspector of Police,
East Police Station, Kovilpatti,
Thoothukudi District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records, relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No.171/Mike-Permission/2017, dated 21.07.2017 and quash the same and consequently direct respondent to grant permission to perform dance program on 16.08.2017, at about 08.00 p.m. at "Shree Saramariyammakoil, Kovilpatti".

For Petitioner : Mr.M.Solaisamy

For Respondent : Mr.A.K.Baskara Pandian,
Special Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No.171/Mike-Permission/2017, dated 21.07.2017 and quash the same and consequently direct the respondent to grant permission to perform dance program on 16.08.2017, at about 08.00 p.m. at Shree Saramariyammakoil Temple, Kovilpatti.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct dance programme on 16.08.2017 in connection with the festival at Shree Annai Saramariyammakoil



Temple, Kovilpatti. He further submitted that in this connection, a representation was given to the respondent on 21.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent police has rejected the same on the ground of law and order problem and various other reasons and hence, the petitioner is before this Court, with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondent on instructions submitted that the representation given by the petitioner was rejected by the respondent police on the ground that in the street, where the temple is located, people belonging to all communities, are residing. It is stated further that the persons, who perform the dance programme, are allowed to wear dress in an indecent manner. It is also stated that there is a likelihood of participation of anti-social elements in the performance of said programme and there is a likelihood of the anti-social elements misbehave with the women.

5. The learned counsel for the petitioner submitted that when similar programme was conducted in the previous year, there was no untoward incident. The said fact is not seriously disputed by the learned Special Government Pleader. But he reiterated that reasons stated by the respondent are genuine.

6. Having regard to the fact that similar programmes are being organized and conducted in relation to temple festivals throughout the State, the police is expected to permit the dance programme without any discrimination, in relation to the temple festival. It is true that in the programme, which is being conducted by irresponsible organizers, the participants are allowed to dress, which is not acknowledged or approved by the elders. Therefore, it is open to the police to restrict the same and also impose reasonable restrictions.

7. This Court has repeatedly pointed out that such reasonable restrictions should also be imposed, while performing the programme, like dance programme. The police protection is required only to prevent the participation of anti-social elements or miscreants in the programme, so as to maintain peace in the particular village during the festival season. The respondent is, therefore, for the purpose of maintaining law and order and public order, directed to impose any reasonable restriction in order to promote public order and tranquillity apart from maintaining communal harmony.

8. Considering the facts and circumstances of the case, the impugned order dated 21.07.2017 passed by the respondent is set aside. The Writ petition is allowed with the following direction:-



The respondent/The Inspector of Police, East Police Station, Kovilpatti, Thoothukudi District, is directed to consider the representation of the petitioner, dated 21.07.2017 and to give permission and to provide police protection for dance programme in connection with a festival in Shree Saramariyammakoil, Kovilpatti, scheduled to be held on 16.08.2017, subject to the following conditions;

(a) the dance programme in connection with the a festival in Shree Saramariyammakoil, Kovilpatti, scheduled to be held on 16.08.2017 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.

9. It is open to respondent police 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

/True Copy/

Sub Assistant Registrar



To

The Inspector of Police,
East Police Station, Kovilpatti,
Thoothukudi District.

+1cc to Spl.Government Pleader Sr.No.69042
+1cc to Mr.M.Solaisamy, Advocate Sr.No.68745

CP/MM

VB/SV/AA/SAR4/08/08/2017/4P/4C

W.P. (MD) No. 13891 of 2017

27.07.2017