



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2017

CORAM

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

W.P.(MD) No. 14078 of 2017

S.S.Ganesan

... Petitioner

-Vs-

The Inspector of Police,
B1 Town Police Station,
Aruppukkottai,
Virudhunagar District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant permission to perform the program of 'Adal Padal' on 09.08.2017 night at about 8.00 p.m to 12.00 a.m at Arulmighu Sri Kalamman Thirukovil, is situated at Ramasampuram, Kalamman Kovil Street, Aruppukkottai, Virudhunagar District and to provide adequate police protection based on the petitioner's representation dated 15.07.2017 and 24.07.2017.

For Petitioner : Mr.S.Bharathi

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

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O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus directing the respondent to grant permission to perform the program of 'Adal Padal' on 09.08.2017 night at about 8.00 p.m to 12.00 a.m at Arulmighu Sri Kalamman Thirukovil, is situated at Ramasampuram, Kalamman Kovil Street, Aruppukkottai, Virudhunagar District and to provide adequate police protection based on the petitioner's representation dated 15.07.2017 and 24.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" dance programme on 09.08.2017 in connection with festival at "Arulmighu Sri Kalamman Thirukovil" situated at Ramasampuram, Kalamman Kovil Street, Aruppukkottai, Virudhunagar District. He further submitted that in this connection, representations were given to the respondent on 15.07.2017 and 24.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent police have not yet considered



the said representation and hence, the petitioner is before this Court with this Writ Petition.

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

4. The learned Special Government Pleader appearing for the respondent stated that the programme is likely to attract the public from nearby villages and that therefore permission may be granted subject to stringent condition.

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. However, taking into account the objections of the respondent police, this Court is inclined to pass the following direction:-

The respondent/Inspector of Police, B1 Town Police Station, Aruppukkottai, Virudhunagar District is directed to consider the representations of the petitioner, dated 15.07.2017 and 24.07.2017 and to give permission and to provide police protection for "Adal Padal" dance programme in connection with the festival at "Arulmighu Sri Kaliyamman Thirukovil" situated at Ramasampuram, Kaliyamman Kovil Street, Aruppukkottai, Virudhunagar District scheduled to be held on 09.08.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the festival at "Arulmighu Sri Kaliyamman Thirukovil" situated at Ramasampuram, Kaliyamman Kovil Street, Aruppukkottai, Virudhunagar District, scheduled to be held on 09.08.2017 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;

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. 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 of any Flex Boards representing any community.

7. With the above directions, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(C.S.)

To

The Inspector of Police,
B1 Town Police Station,
Aruppukkottai,
Virudhunagar District.

+1cc to M/S.S.BHARATHI, Advocate SR.No.68779

+1cc to Special Government Pleader, SR.No.69348

msa

MAS/KK/SAR2:02.08.2017:3P-4C

W.P. (MD) .No.14078 of 2017
28.07.2017