



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. 14104 of 2017

P.Raman

... Petitioner

-Vs-

The Inspector of Police,
Checkanoorani Police Station,
Madurai 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 cultural programme of 'Adal Padal' on 08.08.2017 at about 7.00 p.m to 1.00 a.m in Arulmighu Sri Seelaikari Amman Thirukovil is situated at Panniyan, A.Kokkulam Post, Usilampatti Taluk, Madurai District and to provide adequate police protection based on the petitioner's representation dated 20.07.2017 and 26.07.2017.

For Petitioner : Mr.R.Amarnath

For Respondent : 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, to direct the respondent to grant permission to perform the cultural programme of 'Adal Padal' on 08.08.2017 at about 7.00 p.m to 1.00 a.m in Arulmighu Sri Seelaikari Amman Thirukovil is situated at Panniyan, A.Kokkulam Post, Usilampatti Taluk, Madurai District and to provide adequate police protection based on the petitioner's representations dated 20.07.2017 and 26.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" dance programme on 08.08.2017 in connection with a festival in "Arulmighu Sri Seelaikari Amman Thirukovil", situated at Panniyan, A.Kokkulam Post, Usilampatti Taluk, Madurai District. He further submitted that



in this connection, a representations was given to the respondent on 20.07.2017 and 26.07.2017, 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.

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, on instructions, would submit that there was some communal clash in the area and therefore, the respondent has some apprehension about law and order problem and the particular area is a communally sensitive area. He has produced a copy of FIR and on reading the said F.I.R, it is seen that there was problem with regard to conduct of festival of the temple.

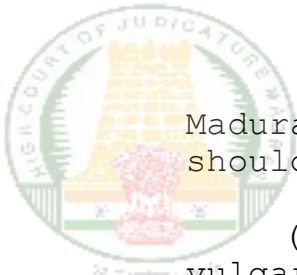
5. Adal Padal is only a traditional event and the same can be conducted subject to certain condition imposed by this Court. The respondent can very well manage the event to be completed without any breach of peace or law and order problem issue. Since the permission is being granted throughout the State for conducting the Adal Padal or similar cultural events, denying permission to the petitioner will amount to discrimination.

6. Considering the serious objection raised on the side of the respondent, this Court gives liberty to the respondent police to put any restriction or condition so as to ensure and maintain law and order.

7. This Court considered 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, Checkanoorani Police Station,, Madurai District, is directed to consider the representations of the petitioner, dated 20.07.2017 and 26.07.2017 and to give permission and to provide police protection for "Adal Padal" dance programme in connection with the festival in "Arulmighu Sri Seelaikari Amman Thirukovil", situated at Panniyan, A.Kokkulam Post, Usilampatti Taluk, Madurai District, scheduled to be held on 08.08.2017, subject to the following conditions;

<https://hcservices.ecourts.gov.in/hcservices/>
(a) the "Adal Padal" programme in connection with the festival in "Arulmighu Sri Seelaikari Amman Thirukovil", " situated at Panniyan, A.Kokkulam Post, Usilampatti Taluk,



Madurai District, scheduled to be held on 08.08.2017 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 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 (T&P)

/True Copy/

Sub Assistant Registrar



To

The Inspector of Police,
Checkanoorani Police Station,
Madurai District.

+ 1 CC TO Mr.R.AMARNATH, ADVOCATE IN SR No. 68598
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 69345

MSA/CM

TE/JC/SAR-I : 03/08/2017 : 4P/4C

W.P.(MD) No. 14104 of 2017
28.07.2017