



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.14105 of 2017

S.Thiagarajan

... Petitioner

vs.

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

2. The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned proceedings dated 20.07.2017 of the second respondent and to quash the same, consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e) Adal Padal on 06.08.2017 at 8.00 pm. in the eve of Arulmighu Sri Alagiya Mannar Rajagopalaswami Thiruvizha Festival at Perumalkovil Street, Vijayanarayanam, Tirunelveli District.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned proceedings dated 20.07.2017 of the second respondent and to quash the same, consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e) Adal Padal on 06.08.2017 at 8.00 pm. in the eve of Arulmighu Sri Alagiya Mannar Rajagopalaswami Thiruvizha Festival at Perumalkovil Street, Vijayanarayanam, Tirunelveli District.

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



3. Learned counsel for the petitioner submitted that the festival of the said temple is scheduled to be held on 06.08.2017. The petitioner and other villagers have decided to organise "Aadal Padal" programme in Perumalkovil Street, Vijayanarayanam, Tirunelveli District, in connection with Arulmighu Sri Alagiya Mannar Rajagopalaswami Thiruvizha Festival, therefore, the petitioner submitted a representation, dated 20.07.2017 to the second respondent, requesting him to grant permission therefor. The said representation has been rejected by way of the present impugned order. Challenging the same, the petitioner has filed the present writ petition, for the above mentioned relief.

4. The learned Special Government Pleader appearing for the respondents on instructions submitted that the representation given by the petitioner was rejected on the ground that the conduct of "Aadal Padal" programme is likely to cause law and order problem. However, he further submitted that no untoward incident is reported, when such programme was conducted earlier.

5. The said submission of the learned Special Government Pleader is recorded.

6..However by an impugned order 20.07.2017, permission was rejected on the ground that there is likelihood of law and order problem in case permission is granted for conducting the Aadal Padal programme. It is even pointed out by the learned counsel for the petitioner that similar programme was conducted by the petitioner earlier and no law and order problem was noticed and there was no untoward incident.

7. The learned counsel for the petitioner further submitted that in all the cases when permission is sought for conducting Aadal Padal or any other cultural events, this Court gives liberty to the respondent police to put any restrictions or conditions, so as to ensure law and order. Hence permission can be granted subject to stringent conditions.

8. This Court having regard to the fact that the respondent police passed the impugned order dated 20.07.2017 rejecting the request without assigning reasons which are objective is inclined to pass the following order:-

"The impugned order dated 20.07.2017 is set aside and the 2nd respondent is directed to grant permission to the petitioner to conduct "Aadal Padal programme" in Perumalkovil Street, Vijayanarayanam, Tirunelveli District, in connection with Arulmighu Sri Mannar Rajagopalaswami Thiruvizha Festival, subject to the following conditions:



(a) the "Adal Padal" programme in connection with the festival at Arulmighu Sri Alagiya Mannar Rajagopalaswami Thiruvizha Festival, situated in Perumalkovil Street, Vijayanarayanam, Tirunelveli District, scheduled to be held on 06.08.2017 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.

(k) the second respondent is at liberty to put any reasonable restriction or condition in the interest of law and order or to preserve communal harmony.

9. With the above directions, this Writ Petition is allowed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

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

2. The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.

+1cc to Mr.J.Ashok, Advocate Sr.No.68788
+1cc to Spl.Government Pleader Sr.No.69349

MSA/CM

VB/SKN/RSK/SAR1/03.08.2017/4P/5C

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