



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

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THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No. 14119 of 2017

S.Nagarajan

... Petitioner

-Vs-

The Inspector of Police,
Tallakulam Police Station,
Madurai City.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent herein to grant permission and provide police protection to conduct the "Adalum Padalum" dance programme on 15.08.2017 in pursuant to the 'Aadi - Padayal' festival of "Arulmigu Manthaiamman Thirukovil" situated at Uchaparambumedu, Thiruppalai Post, Madurai West Taluk, Madurai, by considering the petitioner's representation dated 24.07.2017.

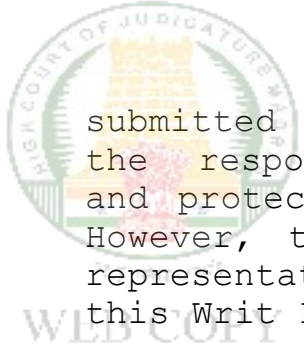
For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.A.K.Baskara Pandian
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 the respondent herein to grant permission and provide police protection to conduct the "Adalum Padalum" dance programme on 15.08.2017 in pursuant to the 'Aadi - Padayal' festival of "Arulmigu Manthaiamman Thirukovil" situated at Uchaparambumedu, Thiruppalai Post, Madurai West Taluk, Madurai, by considering the petitioner's representation dated 24.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adalum Padalum" dance programme on 15.08.2017 in connection with a festival in "Arulmigu Manthaiamman Thirukovil" situated at Uchaparambumedu, Thiruppalai Post, Madurai West Taluk, Madurai. He further



submitted that in this connection, a representation was given to the respondent on 24.07.2017, 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 appearing for the respondent submitted that permission can be granted subject to stringent conditions. When enquired about the antecedents during such programmes in previous years, the respondent police has submitted that no untoward incident reported.

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 submission of the respondent police, this Court is inclined to pass the following direction:-

The respondent/Inspector of Police, Tallakulam Police Station, Madurai District, is directed to consider the representation of the petitioner, dated 24.07.2017 and to give permission and to provide police protection for "Adal Padal" dance programme in connection with the festival in "Arulmigu Manthaiamman Thirukovil" situated at Uchaparambumedu, Thiruppalai Post, Madurai West Taluk, Madurai, scheduled to be held on 15.08.2017, subject to the following conditions;

(a) the "Adalum Padalum" programme in connection with the festival in "Arulmigu Manthaiamman Thirukovil" situated at Uchaparambumedu, Thiruppalai Post, Madurai West Taluk, Madurai, scheduled to be held on 15.08.2017 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 religion be erected;

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(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,
Tallakulam Police Station,
Madurai City.

+One cc to Mr.D.Rameshkumar, Advocate, SR.No.69057
+One cc to The Special Government Pleader, SR.No.69379

cmr/dsk
RL/4C/3P/SKN/RSK/SAR1/9/8/2017

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31/07/2017