



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. 14122 of 2017

N.Chairman Nadar

... Petitioner

-Vs-

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

2.The Sub Inspector of Police,
Moolaikaraipatti Police Station,
Moolaikaraipatti,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) "Adal Padal" on 20.08.2017 at 08.00 P.M. in the eve of "Arulmigu Perumalswamy Kodai Vizha Festival" at Rettarkulam, Thirumalapuram, Tirunelveli District by considering the petitioner's representation dated 12.07.2017.

For Petitioner : Mr.J.Ashok

For Respondents: 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 respondents to grant permission and necessary protection to perform the cultural programme (i.e.) "Adal Padal" on 20.08.2017 at 08.00 P.M. in the eve of "Arulmigu Perumalswamy Kodai Vizha Festival" at Rettarkulam, Thirumalapuram, Tirunelveli District by considering the petitioner's representation dated 12.07.2017.

2. The learned counsel for the petitioner submitted that the
<https://heservices.ecourts.gov.in/heservices/> jointly decided to conduct "Adal Padal" dance programme
on 20.08.2017 in connection with "Arulmigu Perumalswamy Kodai



Vizha Festival" at Rettarkulam, Thirumalapuram, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 12.07.2017, 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 respondents.

4. The learned Special Government Pleader appearing for the respondents 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 objections of the respondent police, this Court is inclined to pass the following direction:-

The second respondent/Sub Inspector of Police, Moolakaraipatti Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 12.07.2017 and to give permission and to provide police protection for "Adal Padal" dance programme in connection with "Arulmigu Perumalswamy Kodai Vizha Festival" at Rettarkulam, Thirumalapuram, Tirunelveli District, scheduled to be held on 20.08.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with "Arulmigu Perumalswamy Kodai Vizha Festival" at Rettarkulam, Thirumalapuram, Tirunelveli District, scheduled to be held on 20.08.2017, 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 ideologies be erected;

<https://hccs.judges.org.in/cases/>



(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 direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

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

2.The Sub Inspector of Police,
Moolaikaraipatti Police Station,
Moolaikaraipatti,
Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.69380

+One cc to Mr.J.Ashok, Advocate, SR.No.69053

cmr/dsk

RL/5C/3P/KP/SAR1/8/8/2017

W.P.(MD) No. 14122 of 2017

31/07/2017