



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM

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

W.P. (MD) No.14169 of 2017

WEB COPY

P.Tamilarasan,
Administrator,
Arulmigu Sri Sudalaimadasamy Kovil,
Chellathayarpuram,
Pethanadaripatti Village,
Alankulam Taluk,
Tirunelveli District

... Petitioner

Vs.

The Sub Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent dated NIL and quash the same and consequently directing the respondent herein to grant permission and adequate police protection for conducting Adal Padal on the eve of Arulmigu Sudalaimadaswamy Kovil Festival on 11.08.2017 situated at Chellathayarpuram, Pethanadaripatti Village, Alankulam Taluk, Tirunelveli District.

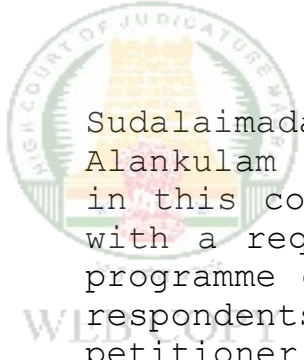
For Petitioner : Mr.D.Srinivasaragavan

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 Certiorarified Mandamus calling for the records relating to the impugned order passed by the respondent dated Nil and quash the same and consequently directing the respondent herein to grant permission and adequate police protection to perform cultural programme, namely, "Adal Padal" dance programme on 11.08.2017 at 7.00 p.m to 11.00 p.m in connection with "Thiruvizha" of festival committee of "Arulmigu Sudalaimadaswamy" at Chellathayarpuram, Pethanadaripatti Village, Alankulam Taluk, Tirunelveli District.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" dance programme on 11.08.2017 in connection with a festival in "Arulmigu



Sudalaimadaswamy" at Chellathayarapuram, Pethanadarpatti Village, Alankulam Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent, with a request to grant permission and protection to conduct the programme on the above said date and the same was rejected by the respondents, by the impugned order, dated Nil and hence, the petitioner is before this Court with this Writ Petition.

3.The learned counsel appearing for the petitioner further submitted that no reason was stated while permission was refused by the respondent in the impugned order. Hence the impugned order passed by the respondent herein/Sub Inspector of police, Pavoorchatram may be quashed.

4.The learned Additional Government Pleader on instructions submitted that the conduct of the programme is likely to attract more crowd from neighbouring villages and hence, there is a likelihood of law and order problem. He further submitted that no untoward incident was reported during past. Even in the impugned order, there is no specific instance or adverse remarks referred to.

5. Taking into consideration the facts of the present case and the fact that similar 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. Therefore, the impugned order passed by the respondent herein is set aside and the Writ petition is allowed with the following directions:

The respondent herein/Sub Inspector of Police, Pavoorchatram Police Station, Tirunelveli District, is directed consider the petitioner's representation and to give permission and to provide police protection for "Adal Padal" dance programme in connection with the festival in "Arulmigu Sudalaimadaswamy" at Chellathayarapuram, Pethanadarpatti Village, Alankulam Taluk, Tirunelveli District, scheduled to be held on 11.08.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the festival in "Arulmigu Sudalaimadaswamy" at Chellathayarapuram, Pethanadarpatti Village, Alankulam Taluk, Tirunelveli District, scheduled to be held on 11.08.2017 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. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Sub Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

+1cc to Mr.D.Srinivasaragavan, Advocate Sr.No.70135

+1cc to The Spl.Government Pleader SR.No.70677

KM/RMK

VB/SV/AA/SAR4/08/08/2017/3P/4C

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