



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2017

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

W.P.(MD) No.14177 of 2017

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... Petitioner

-Vs-

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

2. The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and necessary police protection to perform the cultural programme (ie.,) Dance Programme on 02.08.2017 at 6.00 p.m., to 11.00 p.m., in the festival of Sri Mandhaimman Thirukovil Aadi Thiruvizha, at Chookkapadappu Village, Ilaiyankudi Taluk, Sivagangai District.

For Petitioner : Mr.V.Manikandan

For Respondent : Mr.A.K.Baskara Pandiyan,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the respondents to grant permission and necessary police protection to perform the cultural programme (ie.,) Dance Programme on 02.08.2017 at 6.00 p.m., to 11.00 p.m., in the festival of "Sri Mandhaimman Thirukovil Aadi Thiruvizha", at Chookkapadappu Village, Ilaiyankudi Taluk, Sivagangai District.

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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct cultural programme (ie.,) Dance Programme on 02.08.2017 in connection with a festival of "Sri Mandhaimman Thirukovil Aadi Thiruvizha", at Chookkapadappu Village, Ilaiyankudi Taluk, Sivagangai District. He further submitted that in this connection, a representation was given to the second respondent on 19.07.2017, with a request to grant



permission and protection to conduct the programme on the above said date. However, the second respondent police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondents on instructions submitted that the conduct of the cultural programme (ie.,) Dance Programme is likely to attract more crowd from neighbouring villages and there is a likelihood of law and order problem. However, he further submitted that no untoward incident is reported, when such programme was conducted during past.

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

6. Considering the fact that the cultural programme (ie.,) Dance Programme or even other programmes relating to the temple festivals are being permitted through out the State, subject to usual conditions. Denying permission to the petitioner will amount to discrimination. Taking into consideration the serious objections of the learned Special Government Pleader, the Writ Petition is disposed of with the following directions:

The respondent/The Inspector of Police, Salaigramam Police Station, Sivagangai District, is directed to consider the representation of the petitioner, dated 19.07.2017 and to give permission and to provide police protection for cultural programme (ie.,) Dance Programme in connection with a festival of "Sri Mandhaimman Thirukovil Aadi Thiruvizha", at Chookkapadappu Village, Ilaiyankudi Taluk, Sivagangai District, scheduled to be held on 02.08.2017, subject to the following conditions;

(a) *the cultural programme (ie.,) Dance Programme in connection with a festival of "Sri Mandhaimman Thirukovil Aadi Thiruvizha", at Chookkapadappu Village, Ilaiyankudi Taluk, Sivagangai District, scheduled to be held on 02.08.2017 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 community 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 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.

7. 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 up any Flex Boards representing any community. No costs.

Sd/-

Assistant Registrar(RTI)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

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

2. The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.

+1cc to M/S.V.MANIKANDAN, Advocate SR.No.69293

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MAS/KK/SAR3:02.08.2017:3P-4C

W.P.(MD) No. 14177 of 2017
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