



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. 14189 of 2017

WEB COPY

A. Periyasamy

... Petitioner

-Vs-

1. The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.

... Respondents

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 give police protection to conduct the "Adalum Padalum" dance programme at about 07.00 P.M. on 09.08.2017 in pursuance to the festival of "Arulmigu Sri Bathirakaliamman Thirukovil" situated at Kamarajar Nagar, Perilovanpatti, Vilathikulam Taluk, Thoothukudi District by considering the petitioner's representation dated 19.07.2017.

For Petitioner : Mr. S. Karthick Subramanian

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

ORDER

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the the respondent herein to grant permission and give police protection to conduct the "Adalum Padalum" dance programme at about 07.00 P.M. on 09.08.2017 in pursuance to the festival of "Arulmigu Sri Bathirakaliamman Thirukovil" situated at Kamarajar Nagar, Perilovanpatti, Vilathikulam Taluk, Thoothukudi District by considering the petitioner's representation dated 19.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adalum Padalum" dance programme on 09.08.2017 in connection with a festival in "Arulmigu Sri Bathirakaliamman Thirukovil" situated at Kamarajar Nagar, Perilovanpatti, Vilathikulam Taluk, Thoothukudi District. The learned counsel further submitted that in this connection, a representation was given to the respondents on 19.07.2017, 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/Inspector of Police, Ettayapuram Police Station, Thoothukudi District. is directed to consider the representation of the petitioner, dated 19.07.2017 and to give permission and to provide police protection for "Adal Padal" dance programme in connection with the festival in "Arulmigu Sri Bathirakaliyamman Thirukovil" situated at Kamarajar Nagar, Perilovanpatti, Vilathikulam Taluk, Thoothukudi District, scheduled to be held on 09.08.2017, subject to the following conditions;

(a) the "Adalum Padalum" programme in connection with the festival in "Arulmigu Sri Bathirakaliyamman Thirukovil" situated at Kamarajar Nagar, Perilovanpatti, Vilathikulam Taluk, Thoothukudi District, scheduled to be held on 09.08.2017 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.

7. With the above direction, the Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.

+1cc to Mr.S.Karthicksubramanian,Advocate,SR.69191

+1cc to M/S.Special Government Pleader,SR.69382

W.P.(MD) No. 14189 of 2017
31.07.2017

CMR/DSK

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