



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

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

W.P.(MD) No.14197 of 2017

R.Senthamil Selvan

... Petitioner

-Vs-

1.The Deputy Superintendent of Police,
Periyakulam Sub-Division,
Theni District.

2.The Inspector of Police,
Devathanapatty Police Station,
Periyakulam Taluk,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent by his impugned proceedings in Na.ka.No.29/pothu/U.Ko.A-Peri/17 dated 26.07.2017 and quash the same and consequently direct the respondents to grant permission for conduct "Aadal Padal Dance Programme" on 04th August 2017 at Jeyamangalam and 05th August 2017 at Sinduvampatti in night at "Periya Raja, Chinna Raja" Temple based on the petitioner's representation dated 23.07.2017.

For Petitioner : Mr.S.Vellaichamy
For Respondents : Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, to call for the records of the first respondent by his impugned proceedings in Na.ka.No.29/pothu/U.Ko.A-Peri/17 dated 26.07.2017 and quash the same and consequently direct the respondents to grant permission for conduct "Aadal Padal Dance Programme" on 04th August 2017 at Jeyamangalam and 05th August 2017 at Sinduvampatti in night at "Periya Raja, Chinna Raja" Temple based on the petitioner's representation dated 23.07.2017.



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 "Aadal Padal Dance Programme" on 04.08.2017 at Jeyamangalam and 05.08.2017 at Sinduvampatti in connection with a festival in "Periya Raja, Chinna Raja" Temple. He further submitted that in this connection, a representation was given to the first respondent on 23.07.2017, with a request to grant permission and protection to conduct the programmes on the above said date. However, the first respondent rejected the said representation, by the impugned proceeding, dated 23.07.2017, 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 this Court may grant permission for "Aadal Padal Dance Programme" subject to stringent conditions.

5. Considering the facts and circumstances of the case, the impugned order dated 23.07.2017 passed by the first respondent is set aside and the Writ petition is allowed with the following direction:-

The second respondent/The Inspector of Police, Devathanapatty Police Station, Periyakulam Taluk, Theni District, is directed to consider the representation of the petitioner, dated 23.07.2017 and to give permission and to provide police protection for "Aadal Padal Dance Programme" in connection with a festival in "Periya Raja, Chinna Raja" Temple, scheduled to be held on 04.08.2017 at Jeyamangalam and 05.08.2017 at Sinduvampatti, subject to the following conditions;

(a) the "Aadal Padal Dance Programme" in connection with a festival in "Periya Raja, Chinna Raja" Temple, scheduled to be held on 04.08.2017 at Jeyamangalam and 05.08.2017 at Sinduvampatti, should be completed before 10.30 p.m.

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

(c) no songs, touching upon any political party or religion, community or caste be played;

(d) no flex boards in support of any political party

<https://hcservices.courts.mca.gov.in/hcservices/> leader be erected;



(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) 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;

(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

(i) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

6. It is open to second 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(T&P)

/True Copy/

Sub Assistant Registrar.

To

1.The Deputy Superintendent of Police,
Periyakulam Sub-Division,
Theni District.

2.The Inspector of Police,
Devathanapatty Police Station,
Periyakulam Taluk,
Theni District.

+1CC to Mr.S.Vellaichamy, Advocate, SR.No. 69534

+1CC to the Special Government Pleader SR.No. 70567

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