



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.14299 of 2017

S.Dhayalan

... Petitioner

-Vs-

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

2.The Inspector of Police,
Manapparai Police Station,
Manapparai,
Trichy District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation, dated 28.07.2017 to grant permission to conduct the "Aadi Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Adal Padal" at about 06.00 p.m. to 11.00 p.m., on 07.08.2017 in temple namely "Vengaikurichi Arulmigu Shree Maduraiveeran and Karuppasamy Temple", Poomalaipatti, Manapparai post and Taluk, Trichy District.

For Petitioner : Mr.C.Jeyaprakash

For Respondents : 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 2nd respondent to consider the petitioner's representation, dated 28.07.2017 to grant permission to conduct the "Aadi Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Adal Padal" at about 06.00 p.m. to 11.00 p.m., on 07.08.2017 in temple namely "Vengaikurichi Arulmigu Shree Maduraiveeran and Karuppasamy Temple", Poomalaipatti, Manapparai post and Taluk, Trichy District.

<https://hcservices.courts.gov.in/hcservices> 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 "Kiramiya Isai and Adal Padal" programme on 07.08.2017 in connection with "Aadi Pongal Festival" in "Vengaikurichi Arulmigu Shree Maduraiveeran and Karuppasamy Temple", Poomalaipatti, Manapparai post and Taluk, Trichy District. He further submitted that in this connection, a representation was given to the second respondent on 28.07.2017, 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 submitted that this Court may grant permission for "Kiramiya Isai and Adal Padal" programme subject to stringent conditions.

5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

The second respondent/The Inspector of Police, Manapparai Police Station, Manapparai, Trichy District, is directed to consider the representation of the petitioner, dated 28.07.2017 and to give permission and to provide police protection for "Kiramiya Isai and Adal Padal" programme in connection with "Aadi Pongal Festival" in "Vengaikurichi Arulmigu Shree Maduraiveeran and Karuppasamy Temple", Poomalaipatti, Manapparai post and Taluk, Trichy District, scheduled to be held on 07.08.2017, subject to the following conditions;

(a) the "Kiramiya Isai and Adal Padal" programme in connection with the "Aadi Pongal Festival" in "Vengaikurichi Arulmigu Shree Maduraiveeran and Karuppasamy Temple", Poomalaipatti, Manapparai post and Taluk, Trichy District, scheduled to be held on 07.08.2017 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 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 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 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(AE)

/True Copy/

Sub Assistant Registrar.

To

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

2.The Inspector of Police,
Manapparai Police Station,
Manapparai,
Trichy District.

+1CC to Mr.C.Jeya Prakash, Advocate, SR.No.69201

+1CC to the Special Government Pleader SR.No. 70235

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