



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM

WEB COPY

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

W.P. (MD) No.14328 of 2017

K.Mahendhiran

... Petitioner

-Vs-

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

2.The Deputy Superintendent of Police,
Valliyur, Radhapuram Taluk,
Tirunelveli District.

3.The Inspector of Police,
Uvari Police Station,
Uvari, Radhapuram Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to grant permission to perform the last day's cultural event viz. Aadal Padal (Song and Dance) programme to be held on 16.08.2017 at 07.00 p.m onwards in connection with the Annual Kodai Festival of Arulmigu Sri Mutharamman Sivananaindha Perumal Mariamman Thirukovil, Kuttam, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.M.Ganesh

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

O R D E R

<https://hcservices.eCourts.gov.in/hcservices/> This petition is filed for issuing a Writ of Mandamus directing the third respondent to grant permission to perform the last day's cultural event viz. Aadal Padal (Song and Dance)



programme to be held on 16.08.2017 at 07.00 p.m onwards in connection with the Annual Kodai Festival of Arulmigu Sri Mutharamman Sivananaindha Perumal Mariamman Thirukovil, Kuttam, Radhapuram Taluk, Tirunelveli 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 "Aadal Padal (Song and Dance)" programme on 16.08.2017 in connection with Annual Kodai Festival of Arulmigu Sri Mutharamman Sivananaindha Perumal Mariamman Thirukovil, Kuttam, Radhapuram Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 17.07.2017, 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.

4. The learned Special Government Pleader appearing for the respondent submitted that this Court may grant permission for "Aadal Padal (Song and Dance)" 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 third respondent/The Inspector of Police, Uvari Police Station, Uvari, Radhapuram Taluk, Tirunelveli District, is directed to consider the representation of the petitioner, dated 17.07.2017 and to give permission and to provide police protection for "Aadal Padal (Song and Dance)" programme in connection with Annual Kodai Festival of Arulmigu Sri Mutharamman Sivananaindha Perumal Mariamman Thirukovil, Kuttam, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 16.08.2017, subject to the following conditions;

(a) the "Aadal Padal (Song and Dance)" programme in connection with Annual Kodai Festival of Arulmigu Sri Mutharamman Sivananaindha Perumal Mariamman Thirukovil, Kuttam, Radhapuram Taluk, Tirunelveli District., scheduled to be held on 16.08.2017 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;

<https://hcservices.ecourts.gov.in/hcservices/>

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

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

TO

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

2.The Deputy Superintendent of Police,
Valliyur, Radhapuram Taluk, Tirunelveli District.

3.The Inspector of Police,
Uvari Police Station,
Uvari, Radhapuram Taluk,
Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.70656

+One cc to Mr.M.Ganesh, Advocate, SR.No.69561

cmr/gsp

RL/6C/3P/KP/SAR1/8/8/2017

W.P.(MD) No. 14328 of 2017