



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2017

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THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No.14546 of 2017

S.Balasingh

... Petitioner

-Vs-

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

2. The Inspector of Police,
Sayarpuram Police Station,
Sayarpuram,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent to consider the petitioner's representation dated 21.07.2017 to grant permission to conduct the "Aavani Pongal Festival" as well as other programmes and also to conduct the "Adal Padal" at about 09.00 p.m to 01.00 p.m on 30.08.2017 in temple namely "Arulmigu Shreeman Narayanaswami and Shree Pathirakaliamman Thirukovil" at Thangammalpuram, Servaikaranmadam post, Tuticorin District.

For Petitioner : Mr.C.Jeyaprakash

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

ORDER

This Writ petition is filed for issuing a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 21.07.2017 to grant permission to conduct the "Aavani Pongal Festival" as well as other programmes and also to conduct the "Adal Padal" at about 09.00 p.m to 01.00 p.m on 30.08.2017 in temple namely "Arulmigu Shreeman Narayanaswami and Shree Pathirakaliamman Thirukovil" at Thangammalpuram, Servaikaranmadam post, Tuticorin 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 "Adal Padal" Program perform in "Aavani Pongal Festival" scheduled to be held on 30.08.2017, "Arulmigu Shreeman Narayanaswami and Shree Pathirakaliamman Thirukovil" situated at Thangammalpuram, Servaikaranmadam post, Tuticorin District. He further submitted that in this connection, a representation was given to the second respondent on 21.07.2017, 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 "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, Sayarpuram Police Station, Sayarpuram, Tuticorin District, is directed to consider the representation of the petitioner, dated 21.07.2017 and to give permission and to provide police protection for "Adal Padal" during the celebration of Aavani Pongal Festival" in "Arulmigu Shreeman Narayanaswami and Shree Pathirakaliamman Thirukovil" situated at Thangammalpuram, Servaikaranmadam post, Tuticorin District, scheduled to be held on 30.08.2017, subject to the following conditions;

*(a) the "Adal Padal" programme in connection with the a festival in "Arulmigu Shreeman Narayanaswami and Shree Pathirakaliamman Thirukovil" situated at Thangammalpuram, Servaikaranmadam post, Tuticorin District, scheduled to be held on 30.08.2017, 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;

(1) 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(T&P)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Sayarpuram Police Station,
Sayarpuram,
Tuticorin District.

+1 cc to Mr.C.Jeyaprakash , Advocate in SR.No. 70536

cmr/Is

AE/JC/SAR2/10.08.2017/3P/4C

W.P.(MD) No. 14546 of 2017
04.08.2017