



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.14559 of 2017

and

W.M.P. (MD) No.11387 of 2017

S.Jeyanarayanan

... Petitioner

-Vs-

The Inspector of Police,  
C2, Subramaniapuram Police Station,  
Madurai City,  
Madurai.

... Respondent

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent in MLR No. 149/C2/L&O/PS/17, dated 23.07.2017 and quash the same and consequently direct the respondent to grant permission to perform cultural programme of "Aadal Padal" to be conducted on 13.08.2017 in connection with the Annual Temple Festival of "Arulmigu Sri Balanagammanal Kovil" at Muthuramalingapuram, Bycara, Madurai, at about 07.00 p.m to 01.00 a.m.

For Petitioner : Mr.C.Jeyaprakash

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

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**ORDER**

This Writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent in MLR No.149/C2/L&O/PS/17, dated 23.07.2017 and quash the same and consequently direct the respondent to grant permission to perform cultural programme of "Aadal Padal" to be conducted on 13.08.2017 in connection with the Annual Temple Festival of "Arulmigu Sri Balanagammanal Kovil" at Muthuramalingapuram, Bycara, Madurai, at about 07.00 p.m to 01.00 a.m.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.  
<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel for the petitioner submitted that the



villagers jointly decided to conduct "Adal Padal" Program scheduled to be held on 13.08.2017 in connection with the Annual Temple Festival of "Arulmigu Sri Balanagammanal Kovil" situated at Muthuramalingapuram, Bycara, Madurai. He further submitted that in this connection, a representation was given to the respondent dated 23.07.2017 with a request to grant permission and protection to conduct the programme on the above said date and the respondent Police has denied permission stating that there are likelihood of law and order problem and hence, the petitioner is before this Court with this Writ Petition.

4. Though the petitioner sought for permission for the Temple Festival to be conducted from 11.08.2017 to 14.08.2017, the respondent granted permission to all programmes except "Adal Padal programme" which was scheduled to be held on 13.08.2017. The reason stated in the impugned order is that during the Aadal Padal programme, there will be obscene songs, dance and words. There can be restriction and not prohibition for any reason, it can be regulated by stringent conditions. As a matter of fact, the usual condition passed by this Court takes care of the objection. When enquired about any untoward incident was happened, it was stated that no untoward incident was happened. When similar programmes are also organized through out the state, this Court is inclined to set aside the impugned order dated 23.07.2017. Hence, the impugned order dated 23.07.2017 passed by the respondent is quashed. This Writ Petition is allowed and this Court is inclined to pass the following direction:-

*The respondent / The Inspector of Police, C2, Subramaniapuram Police Station, Madurai City, Madurai., is directed to give permission and to provide police protection for "Adal Padal" during the celebration of "Arulmigu Sri Balanagammanal Kovil" situated at Muthuramalingapuram, Bycara, Madurai,, scheduled to be held on 13.08.2017, subject to the following conditions;*

*(a) the "Adal Padal" programme in connection with the a festival in "Arulmigu Sri Balanagammanal Kovil" situated at Muthuramalingapuram, Bycara, Madurai,, scheduled to be held on 13.08.2017, 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 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.

5. 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. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To  
The Inspector of Police,  
C2, Subramaniapuram Police Station,  
Madurai City,  
Madurai.

+1 cc to Mr.C.Jeya Prakash , Advocate in SR.No. 70537  
+1 cc to The Special Government Pleader in SR.No.71289

cmr/Is  
AE/KP/SAR3/10.08.2017/3P/4C

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