



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.14594 of 2017

WEB COPY

Krishna Samy

... Petitioner

-Vs-

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Malli Police Station,
Virudhunagar District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to give permission and protection for Vinayakar and Kalliamman Temple at S.Pudupatti Village, Sivakasi Taluk, Virudhunagar District Temple's Festival and Aadal Padal Programme on 08.08.2017 between 08.00 PM and 12.00 clock.

For Petitioner : Mr.E.Marees Kumar
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 Mandamus to direct the respondents to give permission and protection for Vinayakar and Kalliamman Temple at S.Pudupatti Village, Sivakasi Taluk, Virudhunagar District Temple's Festival and Aadal Padal Programme on 08.08.2017 between 08.00 PM and 12.00 clock.

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" programme on 08.08.2017 in connection with a festival in Vinayakar and Kalliamman Temple situated at S.Pudupatti Village, Sivakasi Taluk, Virudhunagar District. He further submitted that in this connection, a representation was given to the respondent on 02.08.2017, in which 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, Malli Police Station, Virudhunagar District, is directed to consider the representation of the petitioner, dated 02.08.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with a festival in Vinayakar and Kalliamman Temple situated at S.Pudupatti Village, Sivakasi Taluk, Virudhunagar District, scheduled to be held on 08.08.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the a festival in Vinayakar and Kalliamman Temple situated at S.Pudupatti Village, Sivakasi Taluk, Virudhunagar District, scheduled to be held on 02.08.2017 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.

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(Crl side)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Malli Police Station,
Virudhunagar District.

+1cc to M/S.E.Marees Kumar, Advocate SR.No. 70556

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cmr/lr

JM/SV/SAR 3/07.08.2017/3P/4C