



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

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

W.P.(MD) No.14669 of 2017

T.Ramachandiran Nadar

... Petitioner

-Vs-

State represented by  
The Inspector of Police,  
Kurumbur Police Station,  
Thoothukudi District.

... 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 impugned order passed by the respondent in his proceedings dated 31.07.2017 and quash the same as illegal, consequently, to direct the respondent to permit the petitioner to conducting "Aadal Padal " on 28.08.2017 during the conducting festival of "Arulmighu Mutharaamman and Pattani Swamy Temple", Mealakanam, Mannanvilai Post, Thiruchendur Taluk, Thoothukudi District.

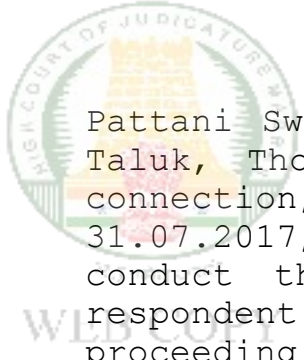
For Petitioner : Mr.K.Veilmuthu  
For Respondent : Mr.A.K.Baskara Pandian,  
Special Government Pleader.  
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O R D E R

This Writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent in his proceedings dated 31.07.2017 and quash the same as illegal, consequently, direct the respondent to permit the petitioner to conducting "Aadal Padal " on 28.08.2017 during the conducting festival of "Arulmighu Mutharaamman and Pattani Swamy Temple", Mealakanam, Mannanvilai Post, Thiruchendur Taluk, Thoothukudi District.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Aadal Padal" on 28.08.2017 in connection with the festival of "Arulmighu Mutharaamman and



Pattani Swamy Temple", Mealakanam, Mannanvilai Post, Thiruchendur Taluk, Thoothukudi District. He further submitted that in this connection, a representation was given to the respondent on 31.07.2017, with a request to grant permission and protection to conduct the programmes on the above said date. However, the respondent rejected the said representation, by the impugned proceeding, dated 31.07.2017, on the ground that the program is likely attract more crowd from nearby villages belonging to various communities and that therefore, there is a chance for law and order problem. When enquired about any previous untoward incidents, it was verified and submitted by the learned Special Government Pleader that there was no untoward incident reported.

4. Though law and order is relevant factors which is required to be considered before granting such permission, the reason for rejecting such permission should be objective rather than subjective. In this case no specific incident or any other valid reasons is stated for rejecting the permission. Since Aadal Padal programme is now being conducted throughout the state in relation to temple festival, denying permission to the petitioner or the villages will amount to discrimination.

5. Considering the facts and circumstances of the case, the impugned order dated 31.07.2017 passed by the respondent is set aside and the Writ petition is allowed with the following direction:-

The respondent/The Inspector of Police, Kurumbur Police Station, Thoothukudi District, is directed to consider the representation of the petitioner, dated 31.07.2017 and to give permission and to provide police protection for "Aadal Padal" in connection with the festival of "Arulmighu Mutharaamman and Pattani Swamy Temple", Mealakanam, Mannanvilai Post, Thiruchendur Taluk, Thoothukudi District, scheduled to be held on 28.08.2017, subject to the following conditions;

(a) the "Aadal Padal" in connection with the festival of "Arulmighu Mutharaamman and Pattani Swamy Temple", Mealakanam, Mannanvilai Post, Thiruchendur Taluk, Thoothukudi District, scheduled to be held on 28.08.2017, should be completed before 10.30 p.m.

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

(c) no songs, touching upon any political party or religion, community or caste be played;

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(d) no flex boards in support of any political party or religious leader be erected;



(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) 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;

(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

(i) 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  
The Inspector of Police, Kurumbur Police Station,  
Thoothukudi District.

+1CC to Mr.K.Veilmuthu, Advocate, SR.No.70839

+1CC to the Special Government Pleader SR.No. 71380

W.P.(MD) No. 14669 of 2017

gsp/cmr

AM/SV AA/SAR 4/17.08.2017/3P/4C