

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 09.08.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.14776 of 2017**

Palanisamy

... Petitioner

-Vs-

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

2. The Inspector of Police,
Vaiyampatti Police Station,
Vaiyampatti, Manaparai Taluk,
Trichy District.

... Respondents

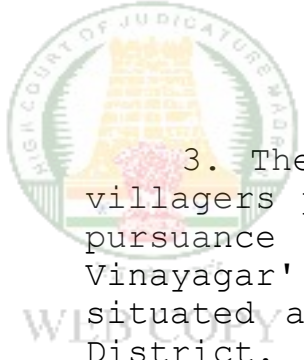
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents herein to grant permission to conduct the Adal Padal programme on 19.08.2017 in pursuance to the 'Maha Kumbaveshesam' festival of 'Sree Selva Vinayagar' 'Sree Kaliyamman' and 'Sree Mariyamman' Temple which is situated at Kalpatti, Nadupatti Village, Manaparai Taluk, Trichy District by considering the petitioner's representation dated 01.08.2017.

For Petitioner : Mr.J.Madhu.

For Respondents : Mr.N.S.Karthikeyan,
Additional Government Pleader.**O R D E R**

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the respondents herein to grant permission to conduct the Adal Padal programme on 19.08.2017 in pursuance to the 'Maha Kumbaveshesam' festival of 'Sree Selva Vinayagar' 'Sree Kaliyamman' and 'Sree Mariyamman' Temple which is situated at Kalpatti, Nadupatti Village, Manaparai Taluk, Trichy District by considering the petitioner's representation dated 01.08.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct (Adal Padal) on 19.08.2017 in pursuance to the 'Maha Kumbaveshesam' festival of 'Sree Selva Vinayagar' 'Sree Kaliyamman' and 'Sree Mariyamman' Temple which is situated at Kalpatti, Nadupatti Village, Manaparai Taluk, Trichy District. He further submitted that in this connection, a representation was given to the respondent on 01.08.2017, 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 Additional Government Pleader appearing for the respondents 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, Vaiyampatti Police Station, Trichy District, is directed to consider the representation of the petitioner, dated 01.08.2017 and to give permission and to provide police protection for 'Maha Kumbaveshesam' festival of 'Sree Selva Vinayagar' 'Sree Kaliyamman' and 'Sree Mariyamman' Temple which is situated at Kalpatti, Nadupatti Village, Manaparai Taluk, Trichy District, scheduled to be held on 19.08.2017, subject to the following conditions;

(a) the "Adal Padal" programme in pursuance to the 'Maha Kumbaveshesam' festival of 'Sree Selva Vinayagar' 'Sree Kaliyamman' and 'Sree Mariyamman' Temple which is situated at Kalpatti, Nadupatti Village, Manaparai Taluk, Trichy District, scheduled to be held on 19.08.2017 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

<https://hcservices.com> or <mailto:hcservices@gmail.com> 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()

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Vaiyampatti Police Station,
Vaiyampatti, Manaparai Taluk,
Trichy District.

+1cc to M/S. J.MADHU, Advocate, SR.No.71576.

+1cc to Special Government Pleader, SR.No.72364.

W.P.(MD) No. 14776 of 2017
09.08.2017