



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.08.2017

CORAM

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

W.P. (MD) No.14933 of 2017

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Gurunathan

... Petitioner

-Vs-

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

2.The Inspector of Police,
Veerapandi Police Station,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to grant permission and protection for cultural event namely "Aadal Padal" scheduled to be held on 20.08.2017 at night in connection with "Aavani Festival" in Arulmigu Sri Ponveriyar at Pasumpon Nagar, Dharmaapuri Village, Theni Taluk, Theni District by considering the petitioner's representation dated 20.07.2017.

For Petitioner : Mr.J.M.Jeya Karthick
For Respondent : Mr.A.K.Baskarapandiyan,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the second respondent to grant permission and protection for cultural event namely "Aadal Padal" scheduled to be held on 20.08.2017 at night in connection with "Aavani Festival" in Arulmigu Sri Ponveriyar at Pasumpon Nagar, Dharmaapuri Village, Theni Taluk, Theni District by considering the petitioner's representation dated 20.07.2017.

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 the "Aadal Padal" programme on 20.08.2017 in connection with the "Aavani Festival" in Arulmigu Sri Ponveriyar at Pasumpon Nagar, Dharmaapuri Village, Theni District. He further submitted that in this connection, a representation was given to the respondent on



20.07.2017 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.

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4. The learned Special Government Pleader appearing for the respondents submitted that this Court may grant permission for "Aadal 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, Veerapandi Police Station, Theni District, is directed to consider the representation of the petitioner, dated 20.07.2017 and to give permission and to provide police protection for "Aadal Padal" programme in connection with the "Aavani Festival" in Arulmigu Sri Ponveriyar at Pasumpon Nagar, Dharmaapuri Village, Theni Taluk, Theni District, scheduled to be held on 20.08.2017, subject to the following conditions;

*(a) the "Aadal Padal" programme in connection with the "Aavani Festival" in Arulmigu Sri Ponveriyar at Pasumpon Nagar, Dharmaapuri Village, Theni Taluk, Theni District, scheduled to be held on 20.08.2017 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

/True copy/

Sub Assistant Registrar

To
The Inspector of Police,
Veerapandi Police Station,
Theni District.

+1cc to Mr.J.M.Jeyakarthik, Advocate, SR.71945

+1cc to M/S.Special Government Pleader, SR. 72414

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GSP/DSS

KK/SV MMS/SAR2-18.08.2017-3P-4C