



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.14934 of 2017

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M.Selvaraj

... Petitioner

-Vs-

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

2.The Inspector of Police,
Dalmiyapuram Police Station,
Dalmiyapuram
Trichy 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 consider the petitioner's representation dated 03.08.2017 to grant permission to conduct the Aavani Pongal Festival as well as other programmes and also to conduct the Aadal Padal and Karakattam at about 06.00 p.m to 11.00 p.m. on 04.09.2017 in temple namely shri Kailasanathar and Mariamman Kovil at M.Kannanur, Kallakudi via, Lalgudi Taluk, Trichy District.

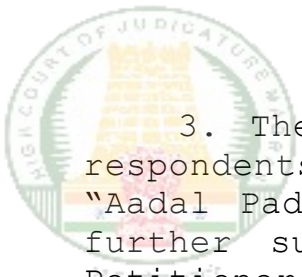
For Petitioner : Mr.C.Jeyaprakash

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader.

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 03.08.2017 to grant permission to conduct the Aavani Pongal Festival as well as "Aadal Padal and Karakattam" at about 06.00 p.m to 11.00 p.m. on 04.09.2017 in temple namely shri Kailasanathar and Mariamman Kovil at M.Kannanur, Kallakudi via, Lalgudi Taluk, Trichy District.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct "Aadal Padal and Karakattam" in connection with Aavani Pongal Festival scheduled to be held on 04.09.2017 at Shri Kailasanathar and Mariamman Kovil at M.Kannanur, Kallakudi via, Lalgudi Taluk, Trichy District. He would further submit that in this connection, a representation was given to the respondent on 03.08.2017, 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 representation and hence, the petitioner is before this Court with this Writ Petition.



3. The learned Special Government Pleader appearing for the respondents would submit that this Court may grant permission for "Aadal Padal and Karakattam" with stringent conditions. He would further submit that there is no adverse report against the Petitioner in conducting the "Aadal Padal and Karakattam."

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4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every villages all over the state, preventing the petitioner from conducting such programme in this particular village will amount to discrimination. Hence this Court is inclined to pass the following direction:-

"The Second respondent / The Inspector of Police, Dalmiyapuram Police Station, Dalmiyapuram, Trichy District, is directed to consider the representation of the petitioner, dated 03.08.2017 and to give permission and to provide police protection for "Aadal Padal and Karakattam" in connection with Aavani Pongal Festival scheduled to be held on 04.09.2017 at Shri Kailasanathar and Mariamman Kovil at M.Kannanur, Kallakudi via, Lalgudi Taluk, Trichy District, subject to the following conditions;

(a) *The "Aadal Padal and Karakattam" in connection with connection with Aavani Pongal Festival scheduled to be held on 04.09.2017 at Shri Kailasanathar and Mariamman Kovil at M.Kannanur, Kallakudi via, Lalgudi Taluk, Trichy District, shall be completed before 10.30 p.m on 04.09.2017.*

(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 dance 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. The respondent concerned is directed to issue necessary permission, incorporating the above conditions and ensure the observance of the conditions to maintain public order and tranquillity. It is open to the respondent to take appropriate action in the event of non-observance of the conditions stipulated. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Dalmyapuram Police Station,
Dalmyapuram,Trichy District.

+1cc to M/S.C.JEYA PRAKASH, Advocate SR.No.72184

+1cc to Special Government Pleader, SR.No. 72293

trp/dsk

MAS/SKN-RSK/SAR1:21.08.2017:3P-5C

W.P.(MD) No. 14934 of 2017
11.08.2017