



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM

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

W.P.(MD) No.14951 of 2017

P.Sivasankar

... Petitioner

-Vs-

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

2. The Inspector of Police,
Thalavaipuram Police Station,
Thalavaipuram,
Virudhunagar 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 representation dated 07.08.2017 to grant permission to conduct the "Vinayagar Sathurthi Vizha" as well as other programmes and also to conduct the "Aadal Padal" at about 09.00 p.m to 01.00 a.m on 24.08.2017 in temple namely "Shree Kalyana Sundara Vinayagar Kovil" situated at Mogavoor North Street, Muthusampuram, Rajapalayam Taluk, Virudhunagar District.

For Petitioner : Mr.C.Jeyaprakash

For Respondents : Mr.A.K.Baskarapandiyan,
Special Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the second respondent to consider the petitioner representation dated 07.08.2017 to grant permission to conduct the "Vinayagar Sathurthi Vizha" as well as other programmes and also to conduct the "Aadal Padal" at about 09.00 p.m to 01.00 a.m on 24.08.2017 in temple namely "Shree Kalyana Sundara Vinayagar Kovil" situated at Mogavoor North Street, Muthusampuram, Rajapalayam Taluk, Virudhunagar District.



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 "Vinayagar Sathurthi Vizha" as well as other programmes and also to conduct the "Aadal Padal" programme on 24.08.2017 in connection with the "Shree Kalyana Sundara Vinayagar Kovil" situated at Mogavoor North Street, Muthusampuram, Rajapalayam Taluk, Virudhunagar District. He further submitted that in this connection, a representation was given to the second respondent on 07.08.2017, 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 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 Inspector of Police, Thalavaipuram Police Station, Virudhunagar District is directed to consider the representation of the petitioner, dated 07.08.2017 and to give permission and to provide police protection for "Aadal Padal" programme in connection with the "Shree Kalyana Sundara Vinayagar Kovil" situated at Mogavoor North Street, Muthusampuram, Rajapalayam Taluk, Virudhunagar District, scheduled to be held on 24.08.2017, subject to the following conditions;

*(a) the "Aadal Padal" programme in connection with the "Shree Kalyana Sundara Vinayagar Kovil" situated at Mogavoor North Street, Muthusampuram, Rajapalayam Taluk, Virudhunagar District, scheduled to be held on 24.08.2017 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(T&P)

/True copy/

Sub Assistant Registrar

To

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

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

+1 cc to Mr.C.Jeya Praksah , Advocate in SR.No. 72186

+1 cc to The Special Government Pleader in SR.No.72111

gsp/dss

AE/SV MMS/SAR4/18.08.2017/3P/5C

W.P.(MD) No. 14951 of 2017
10.08.2017