



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.15234 of 2017

Sivaraman

... Petitioner

Vs.

The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to grant permission and protection for cultural event namely Adalpadal scheduled to be held on 20.08.2017 at night 09.00 to 12.00 in connection with "Avani Festival" at Arulmigu Sri Kuttachi Mariamman Kovil at Panchathi Village, Aranthangi Taluk, Pudukkottai District by considering the petitioner's representation dated 28.07.2017.

For Petitioner : Mr.E.Balasubramanian

For Respondents : Mr.N.S.Karthikeyan

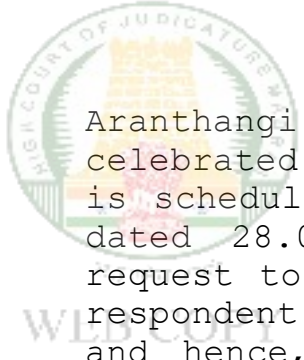
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondent to grant permission and protection for cultural event namely Adal padal scheduled to be held on 20.08.2017 at night 09.00 to 12.00 in connection with "Avani Festival" at Arulmigu Sri Kuttachi Mariamman Kovil at Panchathi Village, Aranthangi Taluk, Pudukkottai District by considering the petitioner's representation dated 28.07.2017.

2.Heard Mr.E.Balasubramanian, learned counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader appearing for the respondent.

3.The learned counsel for the petitioner would submit that there is a temple called "Arulmigu Sri Kuttachi Mariamman Kovil" at Panchathi Village, Aranthangi Taluk, Pudukkottai District . Every year, "Avani Festival" is conducted in the said temple with <https://hcserviceportal.gov.in/hcservices> . The petitioner is one of the members of Vizha committee of that temple. This year, "Avani Festival" at Arulmigu Sri Kuttachi Mariamman Kovil at Panchathi Village,



Aranthangi Taluk, Pudukkottai District is proposed to be celebrated on 20.08.2017. In view of that, a "Cultural Programme" is scheduled on 20.08.2017. In this connection, a representation, dated 28.07.2017 was given to the respondent police, with a request to grant permission to conduct Aadal Padal. However, the respondent Police has not considered the request of the petitioner and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that every year, cultural programmes in the temple festival are conducted in a peaceful manner by the villagers and there will be no untoward incident by the people of the village.

4.The learned Additional Government Pleader appearing for the respondent would submit that permission may be granted subject to stringent conditions.

5.Considering the fact that the "Aadal Padal" programme or even other programmes relating to the temple festivals are being permitted through out the State, subject to usual conditions, denying permission to the petitioner will amount to discrimination. Hence, taking into consideration the submission made by the learned Additional Government Pleader for the respondents, this Court is inclined to issue the following directions:

The respondent/The Inspector of Police, Avudaiyarkovil Police Station, Pudukkottai District, is directed to consider the representation of the petitioner, dated 28.07.2017 and to give permission and to provide police protection for "Aadal Padal" programme in connection with a "Avani Festival" at Arulmigu Sri Kuttachi Mariamman Kovil at Panchathi Village, Aranthangi Taluk, Pudukkottai District, scheduled to be held on 20.08.2017, subject to the following conditions;

(a) the "Aadal Padal" programme in connection with a "Avani Festival" at Arulmigu Sri Kuttachi Mariamman Kovil at Panchathi Village, Aranthangi Taluk, Pudukkottai District, scheduled to be held on 20.08.2017, 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;

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

(e) the function should not affect either communal 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.

7. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar.

To
The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.

+1CC to Mr.E.Balasubramanian, Advocate, SR.No.72550

+1CC to the Special Government Pleader SR.No. 72666

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vs
AM/SV MMS/SAR 2/17.08.2017/3P/4C