

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 16.08.2017****CORAM:****THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN****W.P. (MD) No.15312 of 2017**

P.Kanagaraj

... Petitioner

Vs.

The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi.

... 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 Sri Arulmigu Muthuraman Temple Festival at North Subramaniyapuram, Arumuganeri, Tiruchendoor Taluk, Thoothukudi District on 24.08.2017 for the "Aadal Padal Dance" programme on the basis of the representation given by the petitioner dated 05.08.2017.

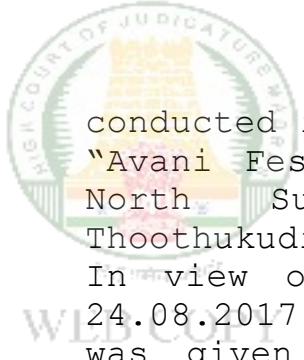
For Petitioner : Mr.R.Amarnath

For Respondents : Mr.N.S.Karthikeyan
Additional Government Pleader**ORDER**

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondent to grant permission and protection for Sri Arulmigu Muthuraman Temple Festival at North Subramaniyapuram, Arumuganeri, Tiruchendoor Taluk, Thoothukudi District, scheduled to be conducted on 24.08.2017 for the "Aadal Padal Dance" programme, on the basis of the petitioner's representation, dated 05.08.2017.

2.Heard Mr.R.Amarnath, 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 "Sri Arulmigu Muthuraman Temple at North Subramaniyapuram, Arumuganeri, Tiruchendoor Taluk, Thoothukudi District. The petitioner is one of the members of Festival Committee of the said temple. Every year, "Avani Festival" is



conducted in the said temple with cultural programmes. This year, "Avani Festival" in "Sri Arulmigu Muthuraman Temple Festival at North Subramaniyapuram, Arumuganeri, Tiruchendoor Taluk, Thoothukudi District", is proposed to be celebrated on 24.08.2017. In view of that, a "Aadal Padal Programme" is scheduled on 24.08.2017. In this connection, a representation, dated 05.08.2017 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 respondents contended that if Aadal Padai programme is conducted, there will be a likelihood of law and order problem. Hence, he requests this Court 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, Arumuganeri Police Station, Thoothukudi District, is directed to consider the representation of the petitioner, dated 05.08.2017 and to give permission and to provide police protection for "Aadal Padal" programme in connection with a "Avani Pongal Festival" in "Sri Arulmigu Muthuraman Temple Festival at North Subramaniyapuram, Arumuganeri, Tiruchendoor Taluk, Thoothukudi District, scheduled to be held on 25.08.2017, subject to the following conditions;

(a) the "Aadal Padal" programme in connection with a "Avani Festival" at "Sri Arulmigu Muthuraman Temple Festival at North Subramaniyapuram, Arumuganeri, Tiruchendoor Taluk, Thoothukudi District", scheduled to be held on 24.08.2017, 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;

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 religious 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 second 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

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi.

+1cc to Mr.R.Amarnath, Advocate SR.No.72516
+1cc to The Spl.Governemt Pleader Sr.No.72660

VS

VB/SKN/RSK/SAR4/18/08/2017/3P/4C