

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 17.08.2017****CORAM**

WEB COPY

THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.15420 of 2017**

C.Subramanian

... Petitioner

-Vs-

1. The Superintendent of Police,
Thoothukudi District
Thoothukudi.

2. The Sub-Inspector of Police,
Arumuganeri Police Station,
Arumuganeri,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and necessary protection to perform the cultural programme (ie.,) Innisai Katcheri on 07.09.2017 at 07.00pm., and Adal Padal on 08.09.2017 at 07.00 p.m in the eve of Rathinapuri Arulmigu Sri Santhanamariamman Kovil at Rathinapuri Kayalpattinam, Thiruchendur Taluk, Thoothukudi District by considering the petitioner's representation dated 24.07.2017.

For Petitioner : Mr.N.Pragalathan

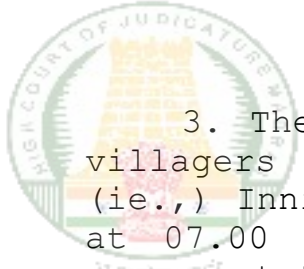
For Respondents : Mr.S.Sadhis Kumar

Additional Government Pleader

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the respondent to grant permission and protection to perform the cultural programme (ie.,) Innisai Katcheri on 07.09.2017 at 07.00pm., and Adal Padal on 08.09.2017 at 07.00 p.m in the eve of Rathinapuri Arulmigu Sri Santhanamariamman Kovil at Rathinapuri Kayalpattinam, Thiruchendur Taluk, Thoothukudi District by considering the petitioner's representation dated 24.07.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme (ie.,) Innisai Katcheri on 07.09.2017 at 07.00 pm., and 08.09.2017 at 07.00 pm. He further submitted that in this connection, a representation was given to the respondent on 24.07.2017, 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.

4. The learned Additional Government Pleader appearing for the respondents submitted that this Court may grant permission for "Adal 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 2nd respondent/The Sub-Inspector of Police, Arumuganeri Police Station, Arumuganeri, Thoothukudi District, is directed to consider the representation of the petitioner, dated 24.07.2017 and to give permission and to provide police protection for Adal Padal (ie.,) Innisai Katcheri at Rathinapuri Arulmigu Sri Santhanamariamman Kovil at Rathinapuri Kayalpattinam, Thiruchendur Taluk, Thoothukudi District, scheduled to be held on 07.09.2017 and 08.09.2017 subject to the following conditions;

*(a) the "Adal Padal" programme (ie.,) Innisai Katcheri in connection with the festival in "Arulmigu Sri Santhanamariamman Kovil", situated at Rathinapuri Kayalpattinam, Thiruchendur Taluk, Thoothukudi District, scheduled to be held on 07.09.2017 and 08.09.08.2017 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;

WEB COPY

(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

1. The Superintendent of Police,
Thoothukudi District
Thoothukudi.
2. The Sub-Inspector of Police,
Arumuganeri Police Station,
Arumuganeri,
Thoothukudi District.

+1cc to Mr.N.Pragalathan, Advocate Sr.No.72919

+1cc to Spl.Government Pleader Sr.No.73188

DAS/MSA/CP

VB/MR/KKR/SAR3/23.08.2017/3P/5C

W.P. (MD) No. 15420 of 2017
17.08.2017