



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM

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

W.P.(MD) No.15425 of 2017

WEB COPY

R.P.Jeyapandian

... Petitioner

-Vs-

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

2.The Inspector of Police,
Thattarmadam Police Station,
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 and dance programme (Adal Padal) on 27.08.2017 and 31.08.2017 at 08.00pm., respectively in the eve of Subramaniapuram, Arulmighu Sri Mutharamman Thirukovil at Subramaniapuram, Thoothukudi District based on the petitioner's representation dated 04.08.2017.

For Petitioner : Mr.M.Paramasivam

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 respondents to grant permission and necessary protection to perform the cultural programme (ie.,) Innisai Katcheri and dance programme (Adal Padal) on 27.08.2017 and 31.08.2017 at 08.00pm., respectively in the eve of Subramaniapuram, Arulmighu Sri Mutharamman Thirukovil at Subramaniapuram, Thoothukudi District based on the representation dated 04.08.2017.

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 on 27.08.2017 and 31.08.2017. He further submitted that in this representation was given to the respondent on 04.08.2017, 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 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 Inspector of Police, Thattarmadam Police Station, Thoothukudi District, is directed to consider the representation of the petitioner, dated 04.08.2017 and to give permission and to provide police protection for "Adal Padal" programme (ie.,) Innisai Katcheri and dance programme at Arulmighu Sri Mutharamman Thirukovil at Subramaniapuram, Thoothukudi District, scheduled to be held on 27.08.2017 and 31.08.2017 subject to the following conditions;

(a) the "Adal Padal" programme (ie.,) Innisai Katcheri in connection with the festival in " Arulmighu Sri Mutharamman Thirukovil at Subramaniapuram, Thoothukudi District, scheduled to be held on 27.08.2017 and 31.08.2017 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



(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 Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.

+1cc to M/S.M.Paramasivam, Advocate SR.No. 72975
+1cc to Special Government Pleader, SR.No. 73186

W.P.(MD) No. 15425 of 2017
17.08.2017

das/msa/cp
JM/SV MMS/SAR 1/22.08.2017/3P/5C