



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.15463 of 2017

WEB COPY

C.Mahalingam

... Petitioner

-Vs-

1.The Superintendent of Police,
Madurai.

2.The Deputy Superintendent of Police,
Usilampatti
Madurai District.

3.The Inspector of Police
Usilampatti Police Station,
Usilampatti
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the respondents to accord permission and police protection to the Adal Padal to be conducted at Sri Agarathamman Muthalamman temple festival on 26.08.2017 at Koppilipatti, Thimmanatham Village, Usilampatti Taluk, Madurai District based on the petitioner's representation dated 07.08.2017 submitted before the Respondents.

For Petitioner : Mr.J.senthil Kumaraiah

For Respondents : Mr.S.Sadhishkumar
Government Pleader.

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondents to accord permission and police protection to the "Adal Padal" programme to be conducted in connection with Sri Agarathamman Muthalamman temple festival on 26.08.2017 at Koppilipatti, Thimmanatham Village, Usilampatti Taluk, Madurai District based on the petitioner's representation dated 07.08.2017.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct "Adal Padal" programme in connection with Sri Agarathamman Muthalamman temple festival on 26.08.2017 at Koppilipatti, Thimmanatham Village, Usilampatti Taluk, Madurai District. He would further submit that in this representation was given to the 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.

3. The learned Special Government Pleader appearing for the respondents would submit that this Court may grant permission for "Adal Padal" programme with stringent conditions. He would further submit that there is no adverse report against the Petitioner in conducting the "Adal Padal" programme.

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

5. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every villages all over the state, preventing the petitioner from conducting such programme in this particular village will amount to discrimination. Hence this Court is inclined to pass the following direction:-

"The third respondent / The Inspector of Police, Usilampatti Police Station, Usilampatti, Madurai District, is directed to consider the representation of the petitioner, dated 07.08.2017 and to give permission and to provide police protection for "Adal Padal" programme on 26.08.2017 in connection with Sri Agarathamman Muthalamman temple festival at Koppilipatti, Thimmanatham Village, Usilampatti Taluk, Madurai District, subject to the following conditions;

(a) The "Adal Padal" programme scheduled to be held on 26.08.2017, in connection with Sri Agarathamman Muthalamman temple festival at Koppilipatti, Thimmanatham Village, Usilampatti Taluk, Madurai District, shall be completed before 10.30 p.m on 26.08.2017.

(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;

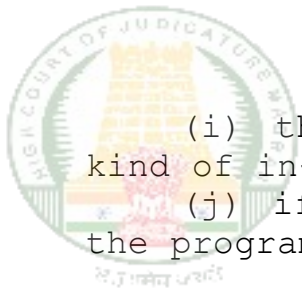
(d) no dance or songs, touching upon any political party or religion, community or caste be played;

(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 dance performance, 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. The respondent concerned is directed to issue necessary permission, incorporating the above conditions and ensure the observance of the conditions to maintain public order and tranquillity. It is always open to the respondent to take appropriate action in the event of non-observance of the conditions stipulated. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Madurai.
- 2.The Deputy Superintendent of Police,
Usilampatti
Madurai District.
- 3.The Inspector of Police
Usilampatti Police Station,
Usilampatti
Madurai District.

+1cc to M/S.J.SENTHIL KUMARAI AH, Advocate SR.No.73269

+1cc to Special Government Pleader, SR.No. 73475

rmk/cmr
MAS/KP/SAR1:24.08.2017:3P-6C

W.P.(MD) No. 15463 of 2017
18.08.2017