



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.15494 of 2017

WEB COPY

J.Kannan

... Petitioner

-Vs-

1.The Commissioner of Police,
Trichy City, Trichy.

2.The Inspector of Police,
Cantonment Police Station,
Trichy City.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the rejection order in Na.Ka.No.37/கா.ஆ/க.கா.நி./தி.மா/2017 of the second respondent on 08.08.2017 and quash the same and consequently, to direct the respondents to grant permission and protection for Aadal Paadal Programme in connection with "Vinayagar Sathurthi Vizha" scheduled to be held on 25.08.2017 at Arulmigu Sri Gnana Ganesar Thirukovil at Eluppur Main Road, Kallukuzhi, Trichy, by considering the representation of the petitioner dated 06.08.2017.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.S.Sadhishkumar

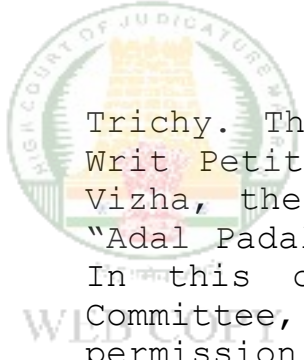
Additional Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the rejection order of the second respondent on 08.08.2017 and quash the same and consequently, to direct the respondents to grant permission and protection for Aadal Paadal Programme in connection with "Vinayagar Sathurthi Vizha" scheduled to be held on 25.08.2017 at Arulmigu Sri Gnana Ganesar Thirukovil at Eluppur Main Road, Kallukuzhi, Trichy, by considering the representation of the petitioner dated 06.08.2017.

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

<https://hcservices.co.in/ShowIn/Services> 3.The learned counsel for the petitioner states that the petitioner is a Member of "Vizha Committee" of Arulmigu Sri Gnana Ganesar Thirukovil, situated at Eluppur Main Road, Kallukuzhi,



Trichy. The petitioner in his affidavit filed in support of the Writ Petition states that in relation to the Vinayagar Sathurthi Vizha, the villagers have organized such other programs including "Adal Padal Programme" which is being conducted in previous years. In this connection, a representation was given by the Vizha Committee, on 06.08.2017, the second respondent refused to grant permission by passing the impugned order dated 08.08.2017. In such circumstances, the petitioner has preferred the above Writ Petition.

4. In the impugned order, it was generally stated that within the city limit of Trichy Corporation, permission to conduct any cultural programme is being refused. It was further stated in the impugned order that the women folk in the area have expressed their hatred to organize such programmes like Adal Padal in stage. Further it was stated that the place in which the permission was sought for is located in a traffic congested area and that there is likelihood of law and order problem.

5. The learned counsel for the petitioner has also produced a order of this Court, dated 18.08.2016, wherein similar permission was sought for during last year for the same programme, in the same temple. It was further submitted that the programme during last year was successfully conducted without any complaint, what so ever. It was also contended by the learned counsel for the petitioner that there was no objection by any women folk for the conduct of the programme, as the organizers never allow any obscenity and give guarantee to the women folk to enjoy the programme.

6. Having regard to the nature of programme that was organized and the respondents are always at liberty to regulate the manner in which the programme should be conducted. This Court is not in a position to appreciate the reason that was stated by the second respondent in the impugned order while refusing to grant permission. The reasons are only subjective and the apprehension expressed by the second respondent in the impugned order may not be justified. Having regard to the regulatory power that is always available with the second respondent to maintain law and order and public convenience, the impugned order passed by the second respondent, dated 08.08.2017 is set aside and the Writ Petition is allowed. The second respondent is directed to consider the representation of the petitioner dated 06.08.2017 and grant permission and give police protection for "Aadal Padal" programme in connection with "Vinayagar Sathurthi Vizha" scheduled to be held on 25.08.2017 at Arulmigu Sri Gnana Ganesar Thirukovil at Eluppur Main Road, Kallukuzhi, Trichy, subject to the following conditions;

<https://hcservices.courts.gov.in/hcservices/> "Aadal Padal" programme in connection with the "Vinayagar Sathurthi Vizha" scheduled to be held on 25.08.2017 at Arulmigu Sri Gnana Ganesar Thirukovil at Eluppur Main Road,

Kallukuzhi, Trichy, should be completed before 10.30 p.m. or as allowed by the second respondent.

(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 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; a

(j) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

6. It is open to respondents 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 Commissioner of Police, Trichy City, Trichy.

2.The Inspector of Police,

Cantonment Police Station, Trichy City.

+1cc to M/S.R.KARTHIC RAJAN, Advocate SR.No.73093

+1cc to Special Government Pleader, SR.No.73476

cmr/rmkv

MAS/JC/SAR1:24.08.2017:3P-5C

W.P.(MD) No. 15494 of 2017
18.08.2017