



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.15509 of 2017

K.Palaiya

... Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tuticorin District.

2.The Sub Inspector of Police,
Sayarpuram Police Station,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to grant permission and protection for yearly festival of Arulmigu Pathirakali Amman Kovil situated at Sivagnanapuram, Servaikaranmadam Post, Pudukottai Via, Tuticorin District for the "Aadal Padal" dance and Innisai Kacheri Programme scheduled to be held on 23.08.2017 at 08.00 PM to 12.00 AM for Aadal Padal Programme and 24.08.2017 at about 08.00 PM to 12.00 AM for Innisai Kacheri.

For Petitioner : Mr.P.Jeyakumar

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 Mandamus, seeking a direction to the respondents 1 and 2 to grant permission and protection for yearly festival of Arulmigu Pathirakali Amman Kovil situated at Sivagnanapuram, Servaikaranmadam Post, Pudukottai Via, Tuticorin District for the "Aadal Padal" dance and Innisai Kacheri Programme scheduled to be held on 23.08.2017 at 08.00 PM to 12.00 AM for Aadal Padal Programme and 24.08.2017 at about 08.00 PM to 12.00 AM for Innisai Kacheri.

<https://hcservices.courts.gov.in/hcservices> 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 the "Aadal Padal Dance" and Innisai Kacheri Programme on 23.08.2017 at 08.00 PM to 12.00 AM for Aadal Padal Programme and 24.08.2017 at about 08.00 PM to 12.00 AM for Innisai Kacheri in connection with the yearly festival of Arulmigu Pathirakali Amman Kovil situated at Sivagnanapuram, Servaikaranmadam Post, Pudukottai Via, Tuticorin District. 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 dates. 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 "Aadal Padal Dance" and Innisai Kacheri 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 second respondent/The Sub Inspector of Police, Sayarpuram Police Station, Tuticorin District, is directed to consider the representation of the petitioner, dated 24.07.2017 and to give permission and to provide police protection for "Aadal Padal Dance" and Innisai Kacheri Programme in connection with the yearly festival of Arulmigu Pathirakali Amman Kovil situated at Sivagnanapuram, Servaikaranmadam Post, Pudukottai Via, Tuticorin District, scheduled to be held on 23.08.2017 and 24.08.2017 at about 08.00 PM to 12.00 AM, subject to the following conditions;

(a) the "Aadal Padal Dance" and Innisai Kacheri Programme in connection with the yearly festival of Arulmigu Pathirakali Amman Kovil situated at Sivagnanapuram, Servaikaranmadam Post, Pudukottai Via, Tuticorin District, scheduled to be held on 23.08.2017 and 24.08.2017 at about 08.00 PM to 12.00 AM, 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;

<https://hcservices.ecourts.gov.in/hcservices/> 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; 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(C.O)

/True Copy/

Sub Assistant Registrar.

To

1.The Superintendent of Police,
Office of the Superintendent of Police, Tuticorin District.

2.The Sub Inspector of Police, Sayarpuram Police Station,
Tuticorin District.

+1CC to Mr.P.Jeyakumar, Advocate, SR.No.73370

+1CC to the Special Government Pleader SR.No. 73479

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