

**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.15514 of 2017**

Ramasamy

... Petitioner

-Vs-

The Inspector of Police
Puthanatham Police Station,
Trichy District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to grant permission for conducting Aadal Paadal for Vinayagar Chathurthi festival of Arulmigu Sri Vinayagar Temple, Chinnamaniyanakurichi, Amma Chathiram, Maniyankurichi Post, Trichy District, scheduled to be held on 26.08.2017 on the basis of the representation of the petitioner dated 10.08.2017.

For Petitioner : Mr.A.Mohan.
For Respondent : Mr.S.Sadhishkumar,
Special Government Pleader.

O R D E R

This Writ Petition has been filed seeking a Writ of Mandamus, to direct the respondent to grant permission for conducting "Aadal Paadal" programme in connection with Vinayagar Chathurthi festival at Arulmigu Sri Vinayagar Temple, Chinnamaniyanakurichi, Amma Chathiram, Maniyankurichi Post, Trichy District, scheduled to be held on 26.08.2017 based on the representation of the petitioner dated 10.08.2017.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct "Adal Paadal" programme in connection with Vinayagar Chathurthi festival at Arulmigu Sri Vinayagar Temple, Chinnamaniyanakurichi, Amma Chathiram, Maniyankurichi Post, Trichy District scheduled to be held on 26.08.2017. He would further submit that in this connection, a representation was given to the respondent on 10.08.2017, 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 Paadal" programme with stringent conditions. He would further submit that there is no adverse report against the Petitioner in conducting the "Adal Paadal" programme.

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

5. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every village 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 respondent / The Inspector of Police, Puthanatham Police Station, Trichy District, is directed to consider the representation of the petitioner, dated 10.08.2017 and to give permission and to provide police protection for "Adal Paadal" programme on 26.08.2017 in connection with Vinayagar Chathurthi festival at Arulmigu Sri Vinayagar Temple, Chinnamaniyanakurichi, Amma Chathiram, Maniyankurichi Post, Trichy District, scheduled to be held on 26.08.2017, subject to the following conditions;

(a) The "Adal Paadal" programme scheduled to be held on 26.08.2017, in connection with Vinayagar Chathurthi festival at Arulmigu Sri Vinayagar Temple, Chinnamaniyanakurichi, Amma Chathiram, Maniyankurichi Post, Trichy 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

<https://hcservices.south.govt.tn> source for case;

(h) similarly, the Police is empowered to stop the dance 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. 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

The Inspector of Police
Puthanatham Police Station,
Trichy District.

+1cc to M/S. A.MOHAN, Advocate, SR.No.73260.

+1cc to Special Government Pleader, SR.No.73483.

W.P. (MD) No. 15514 of 2017

Programme on
26.08.2017

18.08.2017

rmk/cmr

SDS/JC/SAR 1/23.08.2017/3P/4C