



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. 15542 of 2017

S.Skanda Raja

... Petitioner

-Vs-

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

2.The Inspector of Police,
Nazareth Police Station,
Nazareth, Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 08.08.2017 of the second respondent and to quash the same, consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (ie.,) Adal Padal on 29.08.2017 at 07.00 p.m. in the eve of Arulmighu Sri Ponnambalam Vinayakar and Sri Muthumalai Amman Thirukovil at Katchanavilai, Thoothukudi District.

For Petitioner : Mr.J.Ashok
For Respondents : Mr.S.Sadhishkumar,
Additional Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 08.08.2017 of the second respondent and to quash the same, consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (ie.,) Adal Padal on 29.08.2017 at 07.00 p.m. in the eve of Arulmighu Sri Ponnambalam Vinayakar and Sri Muthumalai Amman Thirukovil at Katchanavilai, Thoothukudi District.

<https://hcservices.courts.gov.in/hcservices/> 2. He and 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 on 29.08.2017 in connection with a festival in Arulmighu Sri Ponnambalam Vinayakar and Sri Muthumalai Amman Thirukovil at Katchanavilai, Thoothukudi District. He further submitted that in this connection, a representation was given to the second respondent on 03.08.2017, with a request to grant permission and protection to conduct the programmes on the above said date. However, the second respondent rejected the said representation, by the impugned proceeding, dated 08.08.2017, and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents on instructions submitted that this Court may grant permission for Adal Padal programmes subject to stringent conditions.

5. Considering the facts and circumstances of the case, the impugned order dated 08.08.2017 passed by the second respondent is set aside and the Writ petition is allowed with the following direction:-

The second respondent/The Inspector of Police, Nazareth Police Station, Nazareth, Thoothukudi District, is directed to consider the representation of the petitioner, dated 03.08.2017 and to give permission and to provide police protection for Adal Padal programmes in connection with a festival in Arulmighu Sri Ponnambalam Vinayakar and Sri Muthumalai Amman Thirukovil at Katchanavilai, Thoothukudi District, scheduled to be held on 29.08.2017, subject to the following conditions;

(a) the Aadal Padal programmes in connection with the Arulmighu Sri Ponnambalam Vinayakar and Sri Muthumalai Amman Thirukovil Festival, scheduled to be held on 29.08.2017, should be completed before 10.30 p.m. or within the time permitted by the second respondent.

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

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

(d) no flex boards in support of any political party or religious leader be erected;

(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) 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;



(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

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

6. It is open to second 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(RTI)

/True Copy/

Sub Assistant Registrar.

To

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

2.The Inspector of Police,
Nazareth Police Station,
Nazareth, Thoothukudi District.

+1CC to Mr.J.Ashok, Advocate, SR.No. 73144

+1CC to the Special Government Pleader SR.No. 73490

W.P.(MD) No. 15542 of 2017

18.08.2017

rmk/cmr

AM/SV MMS/SAR 1/28.08.2017/3P/5C