



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.15636 of 2017

WEB COPY

A.S.Gnanasekar

... Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Palayamkottai,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Office of the Duputy Superintendent of Police,
Vallioor,
Tirunelveli District.

3.The Inspector of Police,
Uvari Police Station,
Idayankudi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission to the petitioner to conduct the Devotional concert scheduled on 29.08.2017 at about 8p.m to 11p.m and "Adal & Padal" function scheduled on 30.08.2017 at about 8p.m to 11p.m in Karikovil "Arulmigu Sri Mutharamman Temple" third year festival at Karaikovil Village, Rathapuram Taluk, Tirunelveli District.

For Petitioner : Mr.V.Balasubramanian

For Respondents : Mr.Sadhishkumar,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ Mandamus, directing the respondents to grant permission to the petitioner to conduct the Devotional concert scheduled on 29.08.2017 at about 8p.m to 11p.m and "Adal & Padal" function scheduled on 30.08.2017 at about 8p.m to 11p.m in Karikovil "Arulmigu Sri Mutharamman Temple" third year festival at Karaikovil Village, Rathapuram Taluk, Tirunelveli District.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the petitioner submitted that the



villagers jointly decided to conduct the Devotional concert scheduled on 29.08.2017 at about 8p.m to 11p.m and "Adal & Padal" function scheduled on 30.08.2017 at about 8p.m to 11p.m in Karikovil "Arulmigu Sri Mutharamman Temple" third year festival at Karaikovil Village, Rathapuram Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the third respondent on 16.08.2017, 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.

4. The learned Additional Government Pleader appearing for the respondents submitted that this Court may grant permission for "Adal & Padal" 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 third respondent/The Inspector of Police, Uvari Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 16.08.2017 and to give permission and to provide police protection for "Adal & Padal" programme in connection with the "Arulmigu Sri Mutharamman Temple" third year festival at Karaikovil Village, Rathapuram Taluk, Tirunelveli District, scheduled to be held on 29.08.2017 & 30.08.2017, subject to the following conditions;

*(a) the "Adal & Padal" programme in connection with the " Arulmigu Sri Mutharamman Temple" third year festival at Karaikovil Village, Rathapuram Taluk, Tirunelveli District, scheduled to be held on 29.08.2017 & 30.08.2017 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;

(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;

<https://hcservices.ecourts.gov.in/hcservices/> 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

/True copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Palayamkottai, Tirunelveli District.
 - 2.The Deputy Superintendent of Police,
Office of the Duputy Superintendent of Police,
Vallioor, Tirunelveli District.
 - 3.The Inspector of Police,
Uvari Police Station,
Idayankudi, Tirunelveli District.
- +1cc to Mr.V.Balasubramanian,Advocate,SR. 73346

W.P.(MD) No. 15636 of 2017
21.08.2017

DSS/CMR

KK/SV MMS/SAR2-23.08.2017-3p-5c