

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 23.08.2017****CORAM****THE HON'BLE MR.JUSTICE S.S.SUNDAR****WEB COPY****W.P.(MD) No. 15653 of 2017**

S.Mayilvaganan

... Petitioner

-Vs-

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

2. The Inspector of Police,
Y.Othakadai Police Station,
Y.Othakadai,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner representation, dated 17.08.2017 to grant permission to conduct the "Aavani Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Aadal Padal" at about 06.00 P.M. to 12.00 P.M on 02.09.2017 in temple namely "Idayapatti Arulmighu Shree Velli Malaiyandi Kovil" at South Amur Village, Madurai East Taluk, Madurai District.

For Petitioner : Mr.C.Jeyaprakash
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the 2nd respondent to consider the petitioner representation, dated 17.08.2017 to grant permission to conduct the "Aavani Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Aadal Padal" at about 06.00 P.M. to 12.00 P.M on 02.09.2017 in temple namely "Idayapatti Arulmighu Shree Velli Malaiyandi Kovil" at South Amur Village, Madurai East Taluk, Madurai District.

2. Heard 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 "Aadal Padal" programme on



02.09.2017, at "Idayapatti Arulmighu Shree Velli Malaiyandi Kovil" situated at South Amur Village, Madurai East Taluk, Madurai District. He further submitted that in this connection, a representation was given to the second respondent on 17.08.2017, 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 Special Government Pleader appearing for the respondent 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 second respondent/The Inspector of Police, Y.Othakadai Police Station, Y.Othakadai, Madurai District, is directed to consider the representation of the petitioner, dated 17.08.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with yearly festival of at "Idayapatti Arulmighu Shree Velli Malaiyandi Kovil" situated at South Amur Village, Madurai East Taluk, Madurai District. scheduled to be held on 02.09.2017, subject to the following conditions;

*(a) the "Adal Padal" programme in connection with the yearly festival of at "Idayapatti Arulmighu Shree Velli Malaiyandi Kovil" situated at South Amur Village, Madurai East Taluk, Madurai District, scheduled to be held on 02.09.2017 should be completed before **10.30 p.m.** or within the time permitted 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; and

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

6. It is open to the 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.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Inspector of Police,
Y.Othakadai Police Station,
Y.Othakadai,
Madurai District.

+1cc to Mr.C.Jeyaprakash, Advocate Sr.No.74363
+1cc to Spl.Government Pleader Sr.No.74643

LS/MM

VB/SKN/RSK/SAR1/30.08.2017/3P/5C

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23.08.2017