



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD)No.15738 of 2017

Sathaiya

... Petitioner

Vs.

The State rep by its:-
The Inspector of Police,
Sellur Police Station,
Madurai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to grant permission and adequate police protection to conduct Aadal Padal programme on 26.08.2017 during the nighttime from 07.00 p.m to 02.00 a.m on the eve of "Sri Vinayagar Chathurthi" function in Sellur, Madurai based on the petitioners representation dated 18.08.2017 within the time limit that may stipulated by this court.

For Petitioner : Mr.M.Subash Babu

For Respondents : Mr.Baskara Pandian,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the respondent to grant permission and adequate police protection to conduct Aadal Padal programme on 26.08.2017 during the nighttime from 07.00 p.m to 02.00 a.m on the eve of "Sri Vinayagar Chathurthi" function in Sellur, Madurai based on the petitioners representation dated 18.08.2017 within the time limit that may stipulated by this court..

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

3. The learned counsel for the petitioner stated that he belonged to Sellur, Madurai and that the petitioner and others belonging to the same religion are conducted Vinayagar Chathurthi in a very grand manner. In the present year also the petitioner arranged for celebration of the festival from 25.08.2017 to 27.08.2017 and they also arranged for Aadal Padal



programme on 26.08.2017 at 7.00 p.m to 2.00 a.m on the next day. Though the petitioner approach the respondent on 16.08.2017, it is stated to the petitioner that the representation was rejected. It was therefore the petitioner the petitioner gave a detailed representation on 18.08.2017. However, no order was passed.

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4. The learned Special Government Pleader appearing for the respondent referred to the counter affidavit filed by the Inspector of Police, Sellur Police Station, wherein, among other things, it was pointed out that the conduct of programme of Aadal Padal during Vinayagar Chathurthi festival is not proper that the petitioner has not given sufficient time even to consider the petitioner's application on merits. It can be recognised as one relation to any religious or temple festival. The programme proposed to be conduct on the eve of Vinayagar Chathurthi festival cannot be considered as a bona fide decision.

5. Having regard to the various other circumstances, the learned Special Government Pleader appearing for the respondent submitted that the man power available will be very poor in view of the celebration of Vinayagar chathurthi festival on various places by the permission of this Court. When enquired the learned counsel for the petitioner about the possibility of changing of date of programme and he stated that the Adal Padal programme is celebrating every year as a part of Vinayagar Chathurthi festival and therefore it is very difficult to alter the date. However, it is also represented that the petitioner has made every arrangements. Considering the grievance of the petitioner this Court is inclined to pass the following direction. This Writ Petition is disposed of. The respondent is directed to permit the petitioner to conduct Aadal Padal on 26.08.2017 at Sellur, Madurai, subject to the following conditions:

The respondent/The Inspector of Police, Sellur Police Station, Madurai District, is directed to consider the representation of the petitioner, dated 18.08.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with "Sri Vinayagar Chathurthi" , at Sellur, Madurai, scheduled to be held on 26.08.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the "Sri Vinayagar Chathurthi", in Sellur, Madurai District, scheduled to be held on 26.08.2017 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

<https://hcservices.easys.in/hcservices/> 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 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(AD-II)

/True Copy/

Sub Assistant Registrar.

To
The Inspector of Police,
Sellur Police Station,
Madurai District.

+1CC to Mr.M.Subash babu, Advocate, SR.No.74400
+1CC to the Special Government Pleader SR.No. 74676

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