



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

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

W.P. (MD) No.15808 of 2017

P.Kalanjiyam

... Petitioner

-Vs-

The Sub-Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

... Respondent

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 passed by the Respondent dated 18.08.2017 and quash the same and consequently directing the Respondent herein to grant permission and adequate police protection for conducting 'Kerala Senda Melam' on 25.08.2017 as well as Adal Padal on the eve of Arulmigu Periyandavar Periyasamy Kovil festival on 27.08.2017 situated at Keelapavoor, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.D.Srinivasaragavan

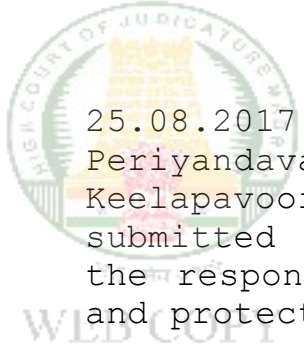
For Respondents : Mr.S.Sadhishkumar,
Additional Government Pleader.

O R D E R

This Writ petition has been filed for issuing a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the Respondent dated 18.08.2017 and quash the same and consequently directing the Respondent herein to grant permission and adequate police protection for conducting 'Kerala Senda Melam' on 25.08.2017 as well as Adal Padal on the eve of Arulmigu Periyandavar Periyasamy Kovil festival on 27.08.2017 situated at Keelapavoor, Tenkasi Taluk, Tirunelveli District.

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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct 'Kerala Senda Melam' on



25.08.2017 as well as Adal Padal on the eve of Arulmigu Periyandavar Periyasamy Kovil festival on 27.08.2017 situated at Keelapavoor, Tenkasi Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 18.08.2017, with a request to grant permission and protection to conduct the programme on the above said date.

4. However, the permission was rejected by the Sub Inspector of Police, only on the ground that there is likely hood of law and order problem. But, no specific incidents or reason is mentioned. Merely, because there is likely hood of law and order problem permission cannot be rejected. Further, the power under the Tamil Nadu Police Act is not to prohibit any programme organized by the villagers in relation to any temple festival but it is meant to regulate regulate. In such circumstances the order passed by the respondent is liable to be quashed and hence quashed.

6. Considering the facts and circumstances of the case that there is no untoward incidents is recorded in connection with the festival, the Writ Petition is disposed of with the following directions:

The respondent/The Sub Inspector of Police, Pavorchatram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 18.08.2017 and to give permission and to provide police protection for 'Kerala Senda Melam' on 25.08.2017 as well as Adal Padal on the eve of Arulmigu Periyandavar Periyasamy Kovil festival on 27.08.2017 situated at Keelapavoor, Tenkasi Taluk, Tirunelveli District, subject to the following conditions;

*(a) the 'Kerala Senda Melam' on 25.08.2017 as well as Adal Padal on the eve of Arulmigu Periyandavar Periyasamy Kovil festival on 27.08.2017 situated at Keelapavoor, Tenkasi Taluk, Tirunelveli District 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;

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(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(T&P)

/True Copy/

Sub Assistant Registrar

To
The Sub-Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

+1 cc to Mr.D.Srinivasaragavan , Advocate in SR.No. 74078

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AE/JC/SAR1/24.08.2017/3P/3C

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