



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

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

W.P. (MD) No.15827 of 2017

N.Balakrishnan

... Petitioner

-Vs-

State Represented by
The Inspector of Police,
Tiruverumbur Police Station,
Trichy District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to permit the petitioner to conduct the cultural function viz., Aadal Padal during the temple festival of Kutthaiappar "Arulmighu Shree Sithi Vinayagar Temple", 80-Meala Thearu, Kutthaiappar & Post, Tiruverumbur Taluk, Trichy District on 31.08.2017 between 07.00 p.m., to 12.00 p.m., and further direct the respondent to give adequate police protection for the above said programme.

For Petitioner : Mr.K.Veilmuthu

For Respondents : Mr.A.K.Baskarapandiyan,
Special Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus seeking a direction to the respondent to permit the petitioner to conduct the Aadal Padal during the temple festival of Kutthaiappar "Arulmighu Shree Sithi Vinayagar Temple", 80-Meala Thearu, Kutthaiappar & Post, Tiruverumbur Taluk, Trichy District on 31.08.2017 between 07.00 p.m., to 12.00 a.m., and further direct the respondent to give adequate police protection for the above said programme.

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 submitted that the villagers jointly decided to conduct "Aadal Padal" programme on



31.08.2017 in connection with "Temple" festival of Kutthaiappar "Arulmighu Shree Sithi Vinayagar Temple", at 80- Meala Thearu, Kutthaiappar & Post, Tiruverumbur Taluk, Trichy District. He further submitted that in this connection, a representation was given to the respondent on 19.08.2017, 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 respondent/The Inspector of Police, Tiruverumbur Police Station, Trichy District, is directed to consider the representation of the petitioner, dated 19.08.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with "Temple" festival of Kutthaiappar "Arulmighu Shree Sithi Vinayagar Temple", at 80- Meala Thearu, Kutthaiappar & Post, Tiruverumbur Taluk, Trichy District, scheduled to be held on 31.08.2017, subject to the following conditions;

*(a) the "Adal Padal" programme in connection with the "Temple" festival of Kutthaiappar "Arulmighu Shree Sithi Vinayagar Temple", at 80- Meala Thearu, Kutthaiappar & Post, Tiruverumbur Taluk, Trichy District, scheduled to be held on 31.08.2017 should be completed before **10.30 p.m.**, or within the time permitted by the 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. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Tiruverumbur Police Station,
Trichy District.

+1cc to Mr.K.Veilmuthu, Advocate Sr.No.74167

+1cc to Spl.Government Pleader Sr.No.74635

MM/LS

VB/SKN/RSK/SAR3/30.08.2017/3P/4C

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