



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM

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

W.P.(MD) No.15845 of 2017

WEB COPY

Kandipan

... Petitioner

-Vs-

1.The Superintendent of Police,
Valliyur,
Tirunelveli District.

2.The Inspector of Police,
Kudankulam Police Station,
Kudankulam,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to give permission to conduct Aadal Paadal Kalai Nigalchi on 29.08.2017, 02.09.2017 and 04.09.2017 in connection with the Kodaivizha of Arulmigu Sri Vetri Valampuri Vinayagar Temple situates in Puthumanai, Chettikulam, Radhapuram Taluk, Tirunelveli District based upon the petitioner's representation dated 09.08.2017.

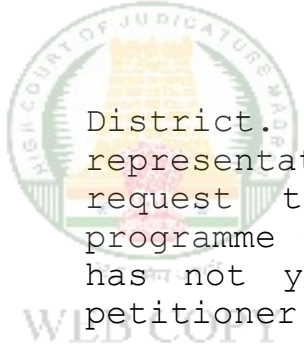
For Petitioner : Mr.K.Gokul
For Respondents : Mr.A.K.Baskarapandiyan,
Special Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus seeking a direction to the respondents to give permission to conduct "Aadal Paadal" on 29.08.2017, 02.09.2017 and 04.09.2017 in connection with the "Kodaivizha" of "Arulmighu Sri Vetri Valampuri Vinayagar" Temple situate at Puthumanai, Chettikulam, Radhapuram Taluk, Tirunelveli District based upon the petitioner's representation dated 09.08.2017.

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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme on 29.08.2017, 02.09.2017 and 04.09.2017 in connection with "Kodaivizha" festival in "Arulmighu Sri Vetri Valampuri Vinayagar Temple", at Puthumanai, Chettikulam, Radhapuram Taluk, Tirunelveli



District. He further submitted that in this connection, a representation was given to the respondents on 09.08.2017, with a request to grant permission and protection to conduct the programme on the above said dates. 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 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 second respondent/The Inspector of Police, Kudankulam Police Station, Kudankulam, Tirunelveli District, is directed to consider the representation of the petitioner, dated 09.08.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with "Kodaivizha" festival in "Arulmighu Sri Vetri Valampuri Vinayagar Temple", at Puthumanai, Chettikulam, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 29.08.2017, 02.09.2017 and 04.09.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the "Kodaivizha" festival in "Arulmighu Sri Vetri Valampuri Vinayagar Temple", at Puthumanai, Chettikulam, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 29.08.2017, 02.09.2017 and 04.09.2017 should be completed before 10.30 p.m., or within the time permitted by the respondent police.

(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(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Valliyur,
Tirunelveli District.

2.The Inspector of Police,
Kudankulam Police Station,
Kudankulam,
Tirunelveli District.

+1cc to M/S.K.Gokul, Advocate SR.No. 74142

+1cc to Special Government Pleader, SR.No. 74655

W.P. (MD) No.15845 of 2017
23.08.2017

MM/LS

JM/SV MMS/SAR 3/28.08.2017/3P/5C