



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM

WEB COPY

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

W.P.(MD) No. 15876 of 2017

M.Karuppasamy

... Petitioner

-Vs-

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

2. The Inspector of Police,
Sivagiri Police Station,
Sivagiri,
Tirunelveli 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 give permission and police protection for the event of Orchestra and Adal Padal function to be scheduled on 01.09.2017 and 02.09.2017 respectively at the temple festival of Sri Madasamy temple, Ullar, Sivagiri Taluk, Tirunelveli District by considering the petitioner's representation, dated 18.08.2017 within the period stipulated.

For Petitioner : Mr.M.Mohamed Sherbudeen

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

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the 2nd respondent to give permission and police protection for the event of Orchestra and Adal Padal function to be scheduled on 01.09.2017 and 02.09.2017 respectively at the temple festival of Sri Madasamy temple, Ullar, Sivagiri Taluk, Tirunelveli District by considering the petitioner's representation, dated 18.08.2017

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 Orchestra and Adal Padal function on 01.09.2017 and 02.09.2017 respectively at the temple festival of Sri Madasamy temple, Ullar, Sivagiri Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the second respondent on 18.08.2017, 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 Orchestra and 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, Sivagiri Police Station, Sivagiri, 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 "Orchestra" and "Adal Padal programme" in connection with yearly festival of at the temple festival of Sri Madasamy temple, Ullar, Sivagiri Taluk, Tirunelveli District, scheduled to be held on 01.09.2017 and 02.09.2017 respectively, subject to the following conditions;

*(a) the "Orchestra" and "Adal Padal programme" programme in connection with the yearly festival of Sri Madasamy temple, Ullar, Sivagiri Taluk, Tirunelveli District,, scheduled to be held on 01.09.2017 and 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 second 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,
Tirunelveli District, Tirunelveli.

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

+1 cc to Mr. M. Mohamed Sherbudeen, Advocate in SR.No. 74071

+1 cc to The Special Government Pleader in SR.No. 74639

Is/mm

AE/SV MMS/SAR2/30.08.2017/3P/5C