



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. 15897 of 2017

WEB COPY

V.Murugan

... 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, to call for the records relating to the impugned order passed by the respondent dated 09.08.2017 and quash the same and consequently directing the respondent herein to grant permission and adequate police protection for conducting Adal Padal on the eve of Arulmigu Azhagamrumaloor Isakkiamman Kovil festival on 05.09.2017 situated at Azhagamrumaloor Village, Avudaiyanoor, Tankasi Taluk, Tirunelveli District.

For Petitioner : Mr.D.Srinivasaragavan
For Respondent : 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 Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent dated 09.08.2017 and quash the same and consequently directing the respondent herein to grant permission and adequate police protection for conducting Adal Padal on the eve of Arulmigu Azhagamrumaloor Isakkiamman Kovil festival on 05.09.2017 situated at Azhagamrumaloor Village, Avudaiyanoor, Tankasi 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 would submit that the villagers jointly decided to conduct Adal Padal on the eve of Arulmigu Azhagamrumaloor Isakkiamman Kovil festival on 05.09.2017 situated at Azhagamrumaloor Village, Avudaiyanoor, Tankasi Taluk, Tirunelveli District. He would further submit that in this connection, a representation was given to the respondent police on 09.08.2017, with a request to grant permission and protection for conducting the programme on the above said date. However, the respondent Police has rejected the said representation and hence, the petitioner is before this Court with this Writ Petition.



4. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that there is likelihood of law and order problem in this area and that direction to the police authorities to permit and conduct the cultural programme "Adal Padal" on the eve of Arulmigu Azhagamrumaloor Isakkiamman Kovil festival on 05.09.2017 situated at Azhagamrumaloor Village, Avudaiyanoor, Tankasi Taluk, Tirunelveli District is not appropriate.

5. Having regard to the objections of the learned Additional Government Pleader appearing for the respondent, this Court feels that a mandamus directing the respondent to grant permission and protection for "Adal Padal" cannot be rejected merely because there is likelihood of law and order problem. Hence, the impugned order is set-aside.

6. Considering the facts and circumstances of the case, the Writ Petition is Allowed with the following directions:

The respondent/The Sub Inspector of Police, Pavoorchatram Police Station, 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 yearly festival of Arulmigu Azhagamrumaloor Isakkiamman Kovil festival situated at Azhagamrumaloor Village, Avudaiyanoor, Tankasi Taluk, Tirunelveli District scheduled to be held on 05.09.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the yearly festival of at Arulmigu Azhagamrumaloor Isakkiamman Kovil festival situated at Azhagamrumaloor Village, Avudaiyanoor, Tankasi Taluk, Tirunelveli District, scheduled to be held on 05.09.2017 should be completed before 10.30 p.m. or as may be directed by the second 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.

7. 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(Writs)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to M/S.D.Srinivasaragavan, Advocate SR.No. 74391

+1cc to Special Government Pleader, SR.No. 74646

W.P.(MD) No. 15897 of 2017

ls/cmr

JM/SKN RSK/SAR 4/04.09.2017/3P/4C