



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2017

CORAM

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

W.P.(MD) No.16012 of 2017

WEB COPY

M.Balamurugan

... Petitioner

-Vs-

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Karimedu Police Station,
Karimedu,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and protection for ''Adal Padal'' program perform in Urchava Vizha scheduled to be held on 09.09.2017 at Arulmigu Sri Sakthi Mariamman, Sri Veerakaliyamman, Sri Sivasakthi Mariamman Thirukovil at Melaponnagaram Main Road, Melaponnagaram 3rd Street, Mothilal 2nd Street, Madurai by considering the petitioner's representation dated 22.08.2017.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.S.Sadhishkumar

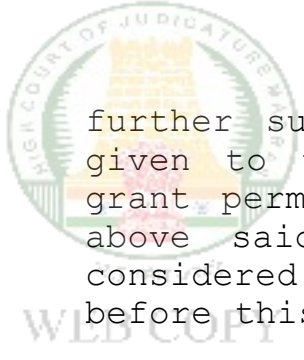
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the respondents to grant permission and protection for ''Adal Padal'' program perform in Urchava Vizha scheduled to be held on 09.09.2017 at Arulmigu Sri Sakthi Mariamman, Sri Veerakaliyamman, Sri Sivasakthi Mariamman Thirukovil at Melaponnagaram Main Road, Melaponnagaram 3rd Street, Mothilal 2nd Street, Madurai by considering the petitioner representation dated 22.08.2017.

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 ''Adal Padal'' program perform in Urchava Vizha scheduled to be held on 09.09.2017 in the Arulmigu Sri Sakthi Mariamman, Sri Veerakaliyamman, Sri Sivasakthi Mariamman Thirukovil at Melaponnagaram Main Road, Melaponnagaram 3rd Street, Mothilal 2nd Street, Madurai. He



further submitted that in this connection, a representation was given to the respondent, dated 22.08.2017, 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 Additional 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 2nd respondent / Inspector of Police, Karimedu Police Station, Karimedu, Madurai, is directed to consider the representation of the petitioner, dated 22.08.2017 and to give permission and to provide police protection for 'Adal Padal' program perform in Urchava Vizha in the festival of Arulmigu Sri Sakthi Mariamman, Sri Veerakaliyamman, Sri Sivasakthi Mariamman Thirukovil at Melaponnagaram Main Road, Melaponnagaram 3rd Street, Mothilal 2nd Street, Madurai, scheduled to be held on 09.09.2017, subject to the following conditions;

(a) the "Adal Padal" programme perform in Urchava Vizha in connection with the festival of Arulmigu Sri Sakthi Mariamman, Sri Veerakaliyamman, Sri Sivasakthi Mariamman Thirukovil at Melaponnagaram Main Road, Melaponnagaram 3rd Street, Mothilal 2nd Street, Madurai, is scheduled to be held on 09.09.2017 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;

(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(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Karimedu Police Station,
Karimedu,
Madurai.

+1cc to M/S.R.Karthic Rajan, Advocate SR.No. 74506

+1cc to Special Government Pleader, SR.No. 74888

W.P.(MD) No.16012 of 2017

24.08.2017

TRP/VSG

JM/SV/SAR 2/31.08.2017/3P/5C