



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2017

CORAM

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

W.P.(MD) No. 16109 of 2017

WEB COPY

M.Karuppanan

... Petitioner

-Vs-

The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to grant permission and to provide police protection to conduct the "Adalum Padalum dance program" on 02.09.2017 in pursuant to the 'Aavani Festival" of Arulmigu Adhi Kopurathu Muniyasamy Thirukoil, situated at Muyaltheevu area, Meenavar Colony, Thoothukudi, by considering the petitioner's representation dated 22.08.2017.

For Petitioner : Mr.S.Deenadhayalan
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, directing the respondent herein to grant permission and to provide police protection to conduct the "Adalum Padalum dance program" on 02.09.2017 in pursuant to the 'Aavani Festival" of Arulmigu Adhi Kopurathu Muniyasamy Thirukoil, situated at Muyaltheevu area, Meenavar Colony, Thoothukudi, by considering the petitioner's representation dated 22.08.2017.

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 Dance Programme" on 02.09.2017 in connection with a 'Aavani Festival" of Arulmigu Adhi Kopurathu Muniyasamy Thirukoil, situated at Muyaltheevu area, Meenavar Colony, Thoothukudi. He further submitted that in this connection, a representation was given to the respondent on 22.08.2017, with a request to grant permission and protection to conduct the above said programmes on the above said date. However, the respondent has not taken any action in this regard. Hence, the petitioner is before this Court with this Writ Petition.



4. The learned Special Government Pleader appearing for the respondent on instructions submitted that this Court may grant permission for "Aadal Padal Dance Programme" subject to stringent conditions.

5. Considering the facts and circumstances of the case, Writ petition is allowed with the following direction:-

The second respondent/The Inspector of Police, Thermal Nagar Police Station, Thoothukudi, is directed to consider the representation of the petitioner, dated 22.08.2017 and to give permission and to provide police protection for "Aadal Padal Dance Programme" in connection with a 'Aavani Festival" of Arulmigu Adhi Kopurathu Muniyasamy Thirukoil, situated at Muyaltheevu area, Meenavar Colony, Thoothukudi, subject to the following conditions;

(a) the "Aadal Padal Dance Programme" in connection with a 'Aavani Festival" of Arulmigu Adhi Kopurathu Muniyasamy Thirukoil, situated at Muyaltheevu area, Meenavar Colony, Thoothukudi, should be completed before 10.30 p.m or as allowed by the respondent..

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

(c) no songs, touching upon any political party or religion, community or caste be played;

(d) no flex boards in support of any political party or religious leader be erected;

(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) 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;

(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

<https://hcservices.ecourts.gov.in/hcservices/> 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(Writs)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Thermal Nagar Police Station,
Thoothukui.

+1cc to M/S.S.Deenadhayalan, Advocate SR.No. 74861

+1cc to Special Government Pleader, SR.No. 75111

W.P.(MD) No. 16109 of 2017

28.08.2017

mm/msa

JM/SV/SAR 2/31.08.2017/3P/4C