



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2017

CORAM

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

W.P. (MD) No.16414 of 2017

WEB COPY
Moorthy

... Petitioner

-Vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tuticorin District,
Tuticorin.

2. The Inspector of Police,
Eral Police Station,
Eral - 628 801,
Tuticorin District.

... Respondents

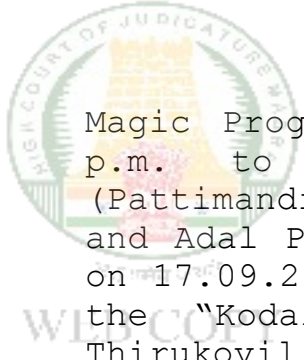
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to give permission to perform the cultural events of Adal Padal Dance Programme done by Thanga Swarangal (Kalai Nigaltchi) on 13.09.2017 at about 07.00 p.m. to 11.30 p.m., Adal Padal Dance Programme done by Abinaya Sruthi (Kalai Nigaltchi) on 14.09.2017 at about 07.00 p.m. to 11.30 p.m., Magic Programme done by S.S.Saroja on 15.09.2017 at about 09.00 p.m. to 11.30 p.m., Debate Programme done by Rarajam (Pattimandram) on 16.09.2017 at about 09.00 p.m. to 11.30 p.m., and Adal Padal Dance Programme done by C.S.Mani (Kalai Nigaltchi) on 17.09.2017 at about 07.00 p.m., to 11.30 p.m., in connection with the "Kodai Festival" in Arulmighu Sri Savukkai Mutharamaman Thirukovil at Onbathu Theru, Hindu Nadar Uravinmurai, Eral, Tuticorin District.

For Petitioner : Mr.Ohm Chairma Prabhu

For Respondents : Mr.S.Sadhish Kumar,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents to give permission to perform the cultural events of Adal Padal Dance Programme done by Thanga Swarangal (Kalai Nigaltchi) on 13.09.2017 at about 07.00 p.m. to 11.30 p.m., Adal Padal Dance Programme done by Abinaya Sruthi (Kalai Nigaltchi) on 14.09.2017 at about 07.00 p.m. to 11.30 p.m.,



Magic Programme done by S.S.Saroja on 15.09.2017 at about 09.00 p.m. to 11.30 p.m., Debate Programme done by Rajaram (Pattimandram) on 16.09.2017 at about 09.00 p.m. to 11.30 p.m., and Adal Padal Dance Programme done by C.S.Mani (Kalai Nigaltchi) on 17.09.2017 at about 07.00 p.m to 11.30 p.m. in connection with the "Kodai Festival" in Arulmighu Sri Savukkai Mutharamaman Thirukovil, at Onbathu Theru, Hindu Nadar Uravinmurai, Eral, Tuticorin District.

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" Dance Programme done by Thanga Swarangal(Kalai Nigaltchi) on 13.09.2017, "Adal Padal" Dance Programme done by Abinaya Sruthi(Kalai Nigaltchi) on 14.09.2017, Magic Programme done by S.S.Saroja on 15.09.2017, Debate Programme done by Rajaram(Pattimandram) on 16.09.2017, and "Adal Padal" Dance Programme done by C.S.Mani (Kalai Nigaltchi) on 17.09.2017, in connection with the "Kodai Festival" in Arulmighu Sri Savukkai Mutharamaman Thirukovil, at Onbathu Theru, Hindu Nadar Uravinmurai, Eral, Tuticorin District. He further submitted that in this connection, a representation was given to the second respondent on 22.08.2017, with a request to grant permission and protection to conduct the programme on the above said dates. However, the second 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 on instructions submitted that the respondents have no serious objection. He further submitted that permission may be granted 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, Eral Police Station, Eral, Tuticorin District, 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" Dance Programme done by Thanga Swarangal(Kalai Nigaltchi), "Adal Padal" Dance Programme done by Abinaya Sruthi(Kalai Nigaltchi), Magic Programme done by S.S.Saroja, Debate Programme done by Rajaram(Pattimandram), and "Adal Padal" Dance Programme done by C.S.Mani (Kalai Nigaltchi), in connection with "Kodai Festival" in "Arulmighu Sri Savukkai Mutharamaman Thirukovil" at Onbathu Theru, Hindu Nadar Uravinmurai, Eral, Tuticorin District, scheduled to be held on 14.09.2017, 15.09.2017, 16.09.2017 and 17.09.2017 respectively, subject to the following conditions;



(a) **"Adal Padal"** Dance Programme done by Thanga Swarangal (Kalai Nigaltchi), **"Adal Padal"** Dance Programme done by Abinaya Sruthi (Kalai Nigaltchi), **Magic Programme** done by S.S.Saroja, **Debate Programme** done by Rajaram (Pattimandram), and **"Adal Padal"** Dance Programme done by C.S.Mani (Kalai Nigaltchi), in connection with "Kodai Festival" in "Arulmighu Sri Savukkai Mutharamaman Thirukovil" at Onbathu Theru, Hindu Nadar Uravinmurai, Eral, Tuticorin District, scheduled to be held on **13.09.2017, 14.09.2017, 15.09.2017, 16.09.2017 and 17.09.2017** respectively, should be completed before **11.00 p.m., on each day** 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.

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. No costs.

Sd/-
Assistant Registrar

WEB COPY

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tuticorin District, Tuticorin.
2. The Inspector of Police,
Eral Police Station,
Eral - 628 801,
Tuticorin District.

+1cc to M/S.M.KARUPPASAMY PANDIAN, Advocate SR.No.75831
+1cc to Special Government Pleader, SR.No. 76063

pmu
MAS/KP/SAR1:11.09.2017:4P-5C

W.P.(MD) No.16414 of 2017
31.08.2017