



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.16428 of 2017

WEB COPY

T.Narayanan

... Petitioner

-Vs-

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

2. The Sub-Inspector of Police,
Soorangudi Police Station,
Vilathikulam Division,
Thoothukudi 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 grant permission and protection for "Adal Padal" perform by "Madurai Bat Boys Dance Group" in "Purattasi Thiruvizha" scheduled to be held on 23.09.2017, at Arulmigu Sri Pathirakaliamman Thirukovil at Valasamuthirapuram, Vembar Post, Vilathikulam Taluk, Thoothukudi District, by considering the petitioner's representation, dated 29.08.2017.

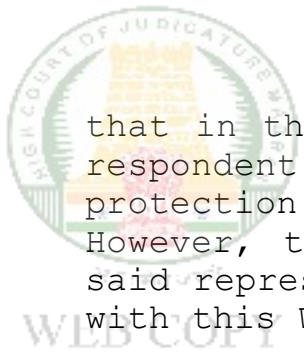
For Petitioner : Mr.R.Kathic Rajan
For Respondents : Mr.S.Sadhish Kumar,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents to grant permission and protection for "Adal Padal" perform by "Madurai Bat Boys Dance Group" in "Purattasi Thiruvizha" scheduled to be held on 23.09.2017, at Arulmigu Sri Pathirakaliamman Thirukovil at Valasamuthirapuram, Vembar Post, Vilathikulam Taluk, Thoothukudi District, by considering the petitioner's representation, dated 29.08.2017.

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" programme perform by "Madurai Bat Boys Dance Group" on 23.09.2017 in "Purattasi Thiruvizha" in "Arulmigu Sri Pathirakaliamman Thirukovil" at Valasamuthirapuram, Vembar Post, Vilathikulam Taluk, Thoothukudi District. He further submitted



that in this connection, a representation was given to the second respondent on 29.08.2017, with a request to grant permission and protection to conduct the programme on the above said date. 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 however on instructions submitted that there is a likelihood of law and order problem, in view of the dispute between Hindus and Christians. However, it is reported that no untoward incident is reported in connection with any temple festival.

5. Considering the fact that the "Adal Padal" programme or even other programmes relating to the temple festivals are being permitted through out the State, subject to usual conditions, denying permission to the petitioner will amount to discrimination. Hence, the Writ Petition is disposed of with the following directions:

The second respondent/The Sub-Inspector of Police, Soorangudi Police Station, Vilathikulam Division, Thoothukudi District, is directed to consider the representation of the petitioner, dated 29.08.2017 and to give permission and to provide police protection for "Adal Padal" programme perform by "Madurai Bat Boys Dance Group" in connection with "Purattasi Thiruvizha" in "Arulmigu Sri Pathirakaliamman Thirukovil" at Valasamuthirapuram, Vembar Post, Vilathikulam Taluk, Thoothukudi District, scheduled to be held on 23.09.2017, subject to the following conditions;

(a) the "Adal Padal" programme perform by "Madurai Bat Boys Dance Group" in connection with "Purattasi Thiruvizha" in "Arulmigu Sri Pathirakaliamman Thirukovil" at Valasamuthirapuram, Vembar Post, Vilathikulam Taluk, Thoothukudi District, scheduled to be held on 23.09.2017, 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.

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

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police, Thoothukudi District, Thoothukudi.
2. The Sub-Inspector of Police, Soorangudi Police Station, Vilathikulam Division, Thoothukudi District.

+1cc to M/S.R.Kathic Rajan, Advocate SR.No. 75668

+1cc to Special Government Pleader, SR.No. 69732

W.P. (MD) No.16428 of 2017
31.08.2017

pmu

JM/MR KKR/SAR 1/14.09.2017/3P/5C