



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2017

CORAM

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

W.P.(MD) No.16476 of 2017

U.Chithraivel

... Petitioner

-Vs-

The Inspector of Police,
Arumuganeri Police Station,
Tuticorin District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant permission to perform the program of "Adal Padal" to be conducted on 06.09.2017 and "Innisai Kacheri" programme to be conducted on 07.09.2017 night at about 07.00 p.m., to 12.30 a.m., at "Arulmigu Sri Santhanamariamman Thirukovil" situated at Mangalavadi, Kayalpattinam, Tiruchendur Taluk, Tuticorin District and to provide adequate police protection based on the petitioner's representations, dated 22.08.2017 and 30.08.2017.

For Petitioner : Mr.S.Selvakumar

For Respondent : 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 respondent to grant permission to perform the program of "Adal Padal" to be conducted on 06.09.2017 and "Innisai Kacheri" programme to be conducted on 07.09.2017 night at about 07.00 p.m., to 12.30 a.m., at "Arulmigu Sri Santhanamariamman Thirukovil" at Mangalavadi, Kayalpattinam, Tiruchendur Taluk, Tuticorin District, and to provide adequate police protection, based on the petitioner's representations, dated 22.08.2017 and 30.08.2017.

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 submitted that the villagers jointly decided to conduct "Adal Padal" and "Innisai Kacheri" programmes on 06.09.2017 and 07.09.2017 respectively in a festival in "Arulmigu Sri Santhanamariamman Thirukovil" at Mangalavadi, Kayalpattinam, Tiruchendur Taluk, Tuticorin District. He further submitted that in this connection,



representations were given to the respondent on 22.08.2017 and 30.08.2017, with a request to grant permission and protection to conduct the programmes on the above said dates. However, the respondent police has not yet considered the said representations and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondent submitted that this Court may grant permission for "Adal Padal" and "Innisai Kacheri" programmes subject to stringent conditions.

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

The respondent/The Inspector of Police, Arumuganeri Police Station, Tuticorin District, is directed to consider the representations of the petitioner, dated 22.08.2017 and 30.08.2017 and to give permission and to provide police protection for "Adal Padal" and "Innisai Kacheri" programmes in connection with a festival in "Arulmigu Sri Santhanamariamman Thirukovil" at Mangalavadi, Kayalpattinam, Tiruchendur Taluk, Tuticorin District, scheduled to be held on 06.09.2017 and 07.09.2017 respectively, subject to the following conditions;

(a) the **"Adal Padal"** and **"Innisai Kacheri"** programmes in connection with the a festival in "Arulmigu Sri Santhanamariamman Thirukovil" situated at Mangalavadi, Kayalpattinam, Tiruchendur District, scheduled to be held on **06.09.2017 and 07.09.2017** respectively, should be completed before **10.30 p.m.**, or as may be permitted by the respondent police.

(b) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

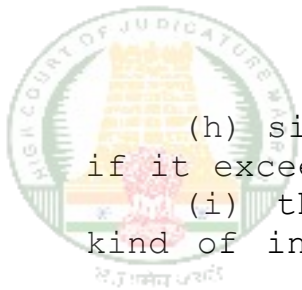
(c) double meaning songs should not be played so as to spoil the minds of students and the youth;

(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 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

The Inspector of Police,
Arumuganeri Police Station,
Tuticorin District.

+1cc to M/S.S.SELVA KUMAR, Advocate SR.No.76408

+1cc to Special Government Pleader, SR.No. 76637

pmu

MAS/SKN-RSK/SAR3:05.09.2017:3P-4C

W.P.(MD) No. 16476 of 2017
01.09.2017