

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 01.09.2017

CORAM

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

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W.P. (MD) No.16482 of 2017

Prathab

... Petitioner

-Vs-

The Inspector of Police,
Tiruchendur Police Station,
Tiruchendur,
Thoothukudi 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 and protection for cultural event namely "Adal Padal" scheduled to be held on 06.09.2017 at night 09.00 to 12.00 hours in connection with "Aavani Kodai Vizha" in "Arulmighu Sri Santhanamari Amman Kovil", at Thotadhar Vilai, Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District, by considering the petitioner's representation dated 21.08.2017.

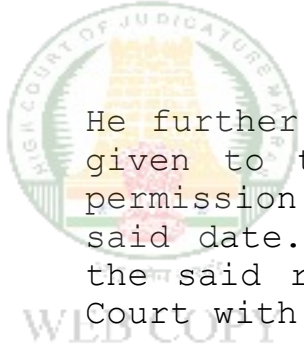
For Petitioner : Mr.A.Robinson
For Respondent : Mr.S.Sadhish Kumar,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus directing the respondent to grant permission and protection for cultural event namely "Adal Padal" scheduled to be held on 06.09.2017 at night 09.00 to 12.00 hours in connection with "Aavani Kodai Vizha" in "Arulmighu Sri Santhanamari Amman Kovil", at Thotadhar Vilai, Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District, by considering the petitioner's representation, dated 21.08.2017.

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" programme on 06.09.2017 in connection with "Aavani Kodai Vizha" festival in "Arulmighu Sri Santhanamari Amman Kovil", at Thotadhar Vilai, Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District.



He further submitted that in this connection, a representation was given to the respondent on 21.08.2017, 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 respondent submitted that permission was already rejected by the respondent herein/Inspector of Police, Tiruchendur Police Station, Tiruchendur, Thoothukudi District, by an order dated 26.08.2017 on the ground that there is a likelihood of law and order problem.

5. No reason was stated by the respondent police as to how the law and order problem was expected by the respondent. Conducting cultural event, like "Adal Padal" or Music Concert in relation to temple festival is lawful and such permission is granted through out the State, subject to conditions so as to preserve law and order and communal harmony. When enquired about any previous incident in connection with such event, the learned Additional Government Pleader fairly submitted that no untoward incident was reported earlier.

6. In the said circumstances of the case, the Writ Petition is disposed of with the following directions:

The respondent/The Inspector of Police, Tiruchendur Police Station, Tiruchendur, Thoothukudi District, is directed to consider the representation of the petitioner, dated 21.08.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with "Aavani Kodai Vizha" festival in "Arulmighu Sri Santhanamari Amman Kovil", at Thotadhar Vilai, Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District, scheduled to be held on 06.09.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the a festival in " Aavani Kodai Vizha" festival in "Arulmighu Sri Santhanamari Amman Kovil", at Thotadhar Vilai, Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District, scheduled to be held on 06.09.2017 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.

7. 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(CO)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Tiruchendur Police Station,
Tiruchendur,
Thoothukudi District.

+1cc to M/S. A.ROBINSON, Advocate, SR.No.75933.

+1cc to Special Government Pleader, SR.No.76627.

W.P.(MD) No. 16482 of 2017
01.09.2017

pmu

SDS/SKN:RSK/SAR 3/05.09.2017/3P/4C