

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

DATED: 01.09.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.16547 of 2017**

U.Bala Sundaraj

... Petitioner

-Vs-

1. The Superintendent of Police,
Theni District.

2. The Inspector of Police,
K.Vilakku Police Station,
K.Vilakku,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to look in to the grievance of the petitioner expressed in the representation, dated 29.08.2017 and thereby grant permission to conduct the "Adal Padal" Programme on 09.09.2017 to the village temple namely "Arulmigu Sri Oorkavalsamy Thirukovil", which is situated in East Street, Kunnoor, Theni District.

For Petitioner : Mr.K.Kevinkaran

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 seeking a direction to the respondents herein to grant permission to conduct "Adal Padal" Programme on 09.09.2017 in the village temple namely "Arulmigu Sri Oorkavalsamy Thirukovil", which is situated in East Street, Kunnoor, Theni District, based on the 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 on 09.09.2017 in connection with a festival in "Arulmigu Sri Oorkavalsamy Thirukovil" at East Street, Kunnoor, Theni 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 submitted that this Court may grant permission for "Adal Padal" programme 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, K.Vilakku Police Station, Theni District, is directed to consider the representation of the petitioner, dated 29.08.2017 to give permission and to provide police protection for "Adal Padal" programme in connection with a festival in "Arulmigu Sri Oorkavalsamy Thirukovil" at East Street, Kunnoor, Theni District, scheduled to be held on 09.09.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the a festival in "Arulmigu Sri Oorkavalsamy Thirukovil" at East Street, Kunnoor, Theni District, scheduled to be held on 09.09.2017 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 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;

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(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 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,
Theni District.

2. The Inspector of Police,
K.Vilakku Police Station,
K.Vilakku,
Theni District.

+1cc to M/S. K.KEVIN KARAN, Advocate, SR.No.76201.
+1cc to Special Government Pleader, SR.No.76632.

W.P. (MD) No.16547 of 2017
01.09.2017

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