



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.09.2017
CORAM

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

W.P. (MD) No.16649 of 2017

WEB COPY

B.Satheesh

... Petitioner

-Vs-

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Karimedu Police Station,
Karimedu, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner representation dated 29.08.2017 to grant permission to conduct the "Aavani Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Aadal Padal at about 07.00.,pm., to 01.00.a.m., on 09.09.2017 in temple namely "Sree Santhana Mariamman Thirukovil" at Sonai kovil Thoppu, Arappalayam, Madurai.

For Petitioner : Mr.R.Ragavendran

For Respondents : Mr.S.Sathis 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 2nd respondent to consider the petitioner representation dated 29.08.2017 to grant permission to conduct the "Aavani Pongal Festival" as well as other programmes and also to conduct the "Kiramiya Isai and Aadal Padal at about 07.00.,pm., to 01.00.a.m., on 09.09.2017 in temple namely "Sree Santhana Mariamman Thirukovil" at Sonai kovil Thoppu, Arappalayam, Madurai.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Kiramiya Isai and Adal Padal" at about 07.00.,pm., to 01.00.a.m., on 09.09.2017 in temple namely "Sree Santhana Mariamman Thirukovil" at Sonai kovil Thoppu, Arappalayam, Madurai. He further submitted that in this connection, a representation was given to the respondent on 29.08.2017, 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 respondents submitted that this Court may grant permission for "Adal Padal" subject to stringent conditions.

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

The 2nd respondent/The Inspector of Police, Karimedu Police Station, Karimedu, Madurai, is directed to consider the representation of the petitioner, dated 29.08.2017 and to give permission and to provide police protection for "Kiramiya Isai and Adal Padal" in temple namely "Sree Santhana Mariamman Thirukovil" at Sonai kovil Thoppu, Arappalayam, Madurai, scheduled to be held on 09.09.2017, subject to the following conditions;

(a) the "Kiramiya Isai and Adal Padal" in temple namely "Sree Santhana Mariamman Thirukovil" at Sonai kovil Thoppu, Arappalayam, Madurai, scheduled to be held on 09.09.2017 should be completed before 10.30 p.m. or as may be permitted by respondent.

(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(Writs)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Karimedu Police Station,
Karimedu, Madurai.

+1cc to Mr.R.RAGAVENDRAN,Advocate,SR.76302

+1cc to M/S.Special Government Pleader,SR.76647

W.P. (MD) No. 16649 of 2017
04.09.2017

DAS/TRP

KK/SKN RSK/SAR 2/07.09.2017/3P- 5C