



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2017

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

W.P.(MD) No.16669 of 2017

M.Mayandi

... Petitioner

-Vs-

The Sub.Inspector of Police,
Thattaparai Police Station,
Tuticorin District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 29.08.2017 and permit the petitioner to conduct dance programme on 06.09.2017 at about 8 P.M to 12.P.M at Santhana Mariamman Temple Ground in East Thattapparai Village, Tutuicorin District.

For Petitioner : Mr.V.Maharajan
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the respondent to consider the petitioner's representation, dated 29.08.2017 and permit the petitioner to conduct dance programme on 06.09.2017 at about 8 P.M to 12.P.M at Santhana Mariamman Temple Ground in East Thattapparai Village, Tutuicorin District.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "dance programme" on 06.09.2017 in connection with a festival in "Santhana Mariamman Temple festival" at Santhana Mariamman Temple Ground in East Thattapparai Village, Tutuicorin. 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 respondent police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.



3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

4. The learned Special Government Pleader, on instructions, submitted that the permission was rejected by the respondent on the ground that the said permission is likely to create some law and order problem. The order of rejection is not produced before this Court. The reason stated by the respondent is general nature.

5. This Court in several cases has held that the power of police to consider the representation, is not to prohibit but to regulate. This Court has repeatedly held that the police authorities, even as per Tamil Nadu Police Act, is not expected to prohibit such programmes on the simple ground that there is likely hood of law and order problem. This Court has granted permission subject to certain conditions, which are required for maintaining the law and order problem and public tranquillity in several cases.

6. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every villages all over the state, preventing the petitioner from conducting such programme in this particular village will amount to discrimination. However, taking into account the objections of the respondent police, this Court is inclined to pass the following direction:-

The respondent/Sub Inspector of Police, Thattaparai Police Station Police Station, Tuticorin District, is directed to consider the representation of the petitioner, dated 29.08.2017 and to give permission and to provide police protection for "dance programme" in connection with the festival in "Santhana Mariamman Temple" at Santhana Mariamman Temple Ground in East Thattapparai Village, Tutuicorin, scheduled to be held on 06.09.2017, subject to the following conditions;

(a) the "dance programme" in connection with the festival in "Santhana Mariamman Temple" at Santhana Mariamman Temple Ground in East Thattapparai Village, Tutuicorin, scheduled to be held on 06.09.2017 should be completed before 10.30 p.m. or as may be directed 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 dance 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. The petitioner and their people are expected to co-operate with the respondent police so as to ensure smooth conduct of the festival and related programmes.

7. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To
The Sub.Inspector of Police, Thattaparai Police Station,
Tuticorin District.
+1CC to Mr.V.Maharajan, Advocate, SR.No.76594

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