



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDARW.P. (MD) No.16816 of 2017

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S.Thesingaraj

... Petitioner

-Vs-

The Inspector of Police,
Kurumbur 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 grant permission to perform the "Adal Padal" with "Music" programme on 02.10.2017 and "Innisai Kacheri" programme on 03.10.2017 at "Arulmigu Sri Pathakara Swamy Thirukovil, is situated at Nalumavadi, Kurumbur Via, Tiruchendur Taluk, Tuticorin District and to provide adequate police protection based on petitioner's representations dated 25.08.2017 and 02.09.2017.

For Petitioner : Mr.S.Bharathi

For Respondent : Mr.S.Sadhis Kumar,
Additional Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the respondent to grant permission to perform the "Adal Padal" with "Music" programme on 02.10.2017 and "Innisai Kacheri" programme on 03.10.2017 at "Arulmigu Sri Pathakara Swamy Thirukovil, is situated at Nalumavadi, Kurumbur Via, Tiruchendur Taluk, Tuticorin District and to provide adequate police protection based on petitioner's representations dated 25.08.2017 and 02.09.2017.

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" with "Music" programme on 02.10.2017 and "Innisai Kacheri" programme on 03.10.2017 in connection with a festival in "Arulmigu Sri Pathakara Swamy Thirukovil, is situated at Nalumavadi, Kurumbur



Via, Tiruchendur Taluk, Tuticorin District. He further submitted that in this connection, a representations were given to the respondent on 25.08.2017 and 02.09.2017, 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 this Court may grant permission for "Adal Padal" with "Music" programme and "Innisai Kacheri" 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 respondent /The Inspector of Police, Kurumbur Police Station, Tuticorin District, is directed to consider the representations of the petitioner, dated 25.08.2017 and 02.09.2017 and to give permission and to provide police protection for "Adal Padal" with "Music" programme and "Innisai Kacheri" programme in connection with a festival in "Arulmigu Sri Pathakara Swamy Thirukovil, is situated at Nalumavadi, Kurumbur Via, Tiruchendur Taluk, Tuticorin District, scheduled to be held on 02.10.2017 and 03.10.2017, subject to the following conditions;

*(a) the **"Adal Padal" with "Music" programme and "Innisai Kacheri" programme** in connection with the a festival in "Arulmigu Sri Pathakara Swamy Thirukovil, is situated at Nalumavadi, Kurumbur Via, Tiruchendur Taluk, Tuticorin District, scheduled to be held on 02.10.2017 and 03.10.2017 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;

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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 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

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

+2cc to M/S.S.BHARATHI, Advocate SR.Nos.77094&77275
+1cc to Special Government Pleader, SR.No. 77718

dss/trp

MAS/SV-MMS/SAR1:14.09.2017:3P-5C

W.P. (MD) No.16816 of 2017
06.09.2017