



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDARW.P. (MD) No.17033 of 2017

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Balagurusamy

... Petitioner

-Vs-

The Inspector of Police,
Sivagiri Police Station,
Tirunelveli 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 10.10.2017 at night 08.00 to 11.00 hours in connection with the "Purattasi Festival" in Arulmigu Sri Therukku Mariamman Kovil at Rayagiri Village, Sivagiri Taluk, Tirunelveli District, by considering the petitioner's representation, dated 24.08.2017.

For Petitioner : Mr.M.Muthukumar

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

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ORDER

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 10.10.2017 at night 08.00 p.m., to 11.00 p.m., in connection with "Purattasi" festival in "Arulmigu Sri Therukku Mariamman Kovil", at Rayagiri Village, Sivagiri Taluk, Tirunelveli District, by considering the petitioner's representation, dated 24.08.2017.

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 10.10.2017 in connection with "Purattasi" festival in "Arulmigu Sri Therukku Mariamman Kovil", at Rayagiri Village, Sivagiri Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 24.08.2017, 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 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 respondent/The Inspector of Police, Sivagiri Police Station, Tirunelveli District is directed to consider the representation of the petitioner, dated 24.08.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with "Purattasi" festival in "Arulmigu Sri Therukku Mariamman Kovil, at Rayagiri Village, Sivagiri Taluk, Tirunelveli District scheduled to be held on 10.10.2017, subject to the following conditions;

*(a) the "Adal Padal" programme in connection with the "Purattasi" festival, in "Arulmigu Sri Therukku Mariamman Kovil", at Rayagiri Village, Sivagiri Taluk, Tirunelveli District, scheduled to be held on **10.10.2017** 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) there should not be any Flex Boards representing any community or political leaders;

(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

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(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,
Sivagiri Police Station,
Tirunelveli District.

+1cc to M/S.M.MUTHUKUMAR, Advocate SR.No.77488
+1cc to Special Government Pleader, SR.No. 78313

psd/pmu

MAS/JC/SAR2:18.09.2017:3P-4C

W.P. (MD) No.17033 of 2017
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