



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.17532 of 2017

S.Kuthalingam

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Ambasamuthiram,
Tirunelveli District.

2. The Inspector of Police,
Kadayam Police Station,
Kadayam, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the rejection order of the 1st respondent in Na.Ka.No.65/Se.Mu.Aa/Ka.Thu.Ka/2017, dated 12.09.2017 and quash the same and consequently direct the respondents to grant permission and protection for Adal Padal program in connection with "Thiruvizha" scheduled to be held on 25.09.2017 at Arulmigu Sri Mariamman Thirukovil at South Street, Kalathimadam Village, Alangulam Taluk, Tirunelveli District by considering the petitioner's representation dated 09.09.2017.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.S.Sadhish Kumar,

Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, for quashing the order of the 1st respondent in Na.Ka.No.65/Se.Mu.Aa/Ka.Thu.Ka/2017, dated 12.09.2017 and consequently direct the respondents to grant permission and protection for Adal Padal program in connection with "Thiruvizha" scheduled to be held on 25.09.2017 at Arulmigu Sri Mariamman Thirukovil at South Street, Kalathimadam Village, Alangulam Taluk, Tirunelveli District by considering the petitioner's representation dated 09.09.2017.

<https://hcservices.courts.gov.in/hcservices> 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 25.09.2017 in connection with "Thiruvizha" at Arulmigu Sri Mariamman Thirukovil at South Street, Kalathimadam Village, Alangulam Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the second respondent on 09.09.2017, with a request to grant permission and protection to conduct the programme on the above said date and the same was rejected by the first respondent police, by the impugned order, dated 12.09.2017 and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents has raised some objection for "Adal Padal" programme stating that there is a likelihood of law and order problem due to the fact that in this area there are various factions based on caste and that therefore the order was passed rejecting the permission.

5. Since the "Adal Padal" programme is conducted in every parts of the state irrespective of caste, creed and religion in relation to the temple festivals, this Court in all these cases grant permission subject to reasonable restrictions and conditions so as to ensure maintenance of the law and order and communal harmony. Hence, the impugned order passed by the first respondent, dated 12.09.2017, is quashed and the Writ petition is allowed.

6. Taking serious note of the objection raised by the Additional Government Pleader for the respondents, this Court is inclined to pass the following direction:-

"The first respondent/ The Deputy Superintendent of Police, Ambasamuthiram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 12.09.2017 and to grant permission and to provide police protection for "Adal Padal" programme in connection with "Thiruvizha" at Arulmigu Sri Mariamman Thirukovil at South Street, Kalathimadam Village, Alangulam Taluk, Tirunelveli District, scheduled to be held on 25.09.2017, subject to the following conditions";

(a) the "Adal Padal" programme in connection with "Thiruvizha" at Arulmigu Sri Mariamman Thirukovil at South Street, Kalathimadam Village, Alangulam Taluk, Tirunelveli District, scheduled to be held on 25.09.2017 should be completed before 10.30 p.m or as may be directed by the second 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

(j) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

7. 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 (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Ambasamuthiram,
Tirunelveli District.
2. The Inspector of Police,
Kadayam Police Station,
Kadayam, Tirunelveli District.

+1cc to M/S.R.Karthic Rajan, Advocate SR.No. 79448

+1cc to Special Government Pleader, SR.No. 79749

W.P. (MD) No. 17532 of 2017

18.09.2017