



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2017

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

W.P. (MD) No.17791 of 2017

S.Thangaraj

... Petitioner

-Vs-

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

2.The Inspector of Police,  
Puliyankudi Police Station,  
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 of the second respondent's order in Na.Ka.No.18/P1PS/2017 dated 10.09.2017 and quash the same and consequently, direct the second respondent to give permission and police protection for the event of Orchestra and Adal Padal Program to be scheduled on 27.09.2017 and 28.09.2017 at the petitioner's temple Sri Madakkovil Mariyamman Temple, Subramaniyapuram, Vasudevanallur Post, Sivagiri Taluk, Tirunelveli District by considering his representation dated 09.09.2017 within the period stipulated by this Court.

For Petitioner : Mr.M.Mohammed Sherbudeen  
For Respondents : Mr.A.K.Baskara Pandian,  
Special Government Pleader.

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## O R D E R

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, to call for the records of the second respondent's order in Na.Ka.No.18/P1PS/2017 dated 10.09.2017 and quash the same and consequently, direct the second respondent to give permission and police protection for the event of Orchestra and Adal Padal Program to be scheduled on 27.09.2017 and 28.09.2017 at the petitioner's temple Sri Madakkovil Mariyamman Temple, Subramaniyapuram, Vasudevanallur Post, Sivagiri Taluk, Tirunelveli District by considering his representation dated 09.09.2017 within the period stipulated by this Court.



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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Aadal Padal Dance Programme" on 27.09.2017 and 28.09.2017 at the petitioner's temple Sri Madakkovil Mariyamman Temple, Subramaniyapuram, Vasudevanallur Post, Sivigiri 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 programmes on the above said date. However, the second respondent rejected the said representation, by the impugned proceeding, dated 10.09.2017, and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondents on instructions submitted that this Court may grant permission for "Aadal Padal Dance Programme" subject to stringent conditions.

5. The second respondent has rejected for granting permission only on the ground that there is likelihood of law and order problem. It is stated that in Subramaniyapuram Village, the petitioner and others belong to various communities and different religion are residing and therefore, there is likelihood of law and order problem. The reasons stated by the second respondent for rejecting the permission are general and the same cannot be accepted in all cases. Since, the cultural programme is in relation to temple festival and the same is being allowed throughout the State rejecting the permission to the petitioner will amount to discrimination. Hence, the impugned order dated 10.09.2017 passed by the second respondent is quashed and the Writ petition is allowed with the following direction:-

The second respondent/The Inspector of Police, Puliyanakudi Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 09.09.2017 and to give permission and to provide police protection for "Aadal Padal Dance Programme" in connection with a festival in "Sri Madakkovil Mariyamman Temple, Subramaniyapuram, Vasudevanallur Post, Sivigiri Taluk, Tirunelveli District, scheduled to be held on 27.09.2017 and 28.09.2017 subject to the following conditions;

(a) the "Aadal Padal Dance Programme" in connection with a festival in "Sri Madakkovil Mariyamman Temple, Subramaniyapuram, Vasudevanallur Post, Sivigiri Taluk, Tirunelveli District, scheduled to be held on 27.09.2017 and 28.09.2017, should be completed before 10.30 p.m. or as may be permitted by the second respondent police.

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;



(c) no songs, touching upon any political party or religion, community or caste be played;

(d) no flex boards in support of any political party or religious leader be erected;

(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) 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;

(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

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

6. It is open to second 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(RTI)

/True Copy/

Sub-Assistant Registrar

To

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

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

+One cc to The Special Government Pleader, SR.No.80376

+One cc to Mr.M.Mohamed Sherbudeen, Advocate, SR.No.80013

Myr

RL/5C/2P/JC/SAR1/22/9/2017

W.P.(MD) No. 17791 of 2017  
20/09/2017