



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

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W.P.(MD) No.18017 of 2017

T.R.T.Rajan

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

... Respondent

PRAYER: Writ petition filed under article 226 of Constitution of India, praying for issuance of writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent in his proceedings "Nil" dated 19.09.2017 and quash the same as illegal, consequently, directing the respondent to permit the petitioner to conduct Aadal Padal program on 07.10.2017, Innisai Katcheri program on 08.10.2017 and Singari Melam program on 10.10.2017, during the Kodai Festival in Sri Badhrakaliamman Temple, Alangulam Village, Tirunelveli District.

For Petitioner	: Mr.P.Mani Anandh
For Respondent	: Mr.A.K.Baskara Pandian Special Government Pleader

ORDER

This Writ petition is filed for issuing a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent, dated 19.09.2017 and quash the same and consequently, to direct the respondent to permit the petitioner to conduct Aadal Padal program on 07.10.2017, Innisai Katcheri program on 08.10.2017 and Singari Melam program on 10.10.2017, during the Kodai Festival in Sri Badhrakaliamman Temple, Alangulam Village, Tirunelveli District.

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

3.The learned counsel for the petitioner submitted that the villagers jointly decided to conduct Aadal Padal program on 07.10.2017, Innisai Katcheri program on 08.10.2017 and Singari Melam program on 10.10.2017, during the "Kodai Festival" in



connection with "Badhrakaliamman Temple Festival", at Alangulam Village, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 18.09.2017 with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent police has rejected the request of the petitioner and passed the impugned order. Aggrieved by the same, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the respondent submitted that this Court may grant permission for "Aadal Padal, Innisai Katcheri, Singari Melam" subject to stringent conditions, in order to maintain law and order.

5. In the impugned order, the rejection was only on the ground that the programme will be attended by the persons belonging to various communities and that therefore there is likelihood of law and order problem. The reason stated by the respondent for rejecting the permission cannot be sustained. Merely because the cultural events attract more people, belonging to various communities, the respondent cannot come to the conclusion that there will be likelihood of law and order problem. Hence, the impugned order passed by the respondent dated 19.09.2017 is set aside and the Writ Petition is allowed, with the following directions:

The respondent/The Inspector of Police, Alangulam Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 18.09.2017 and to give permission and to provide adequate police protection for "Aadal Padal", "Innisai Katcheri", "Singari Melam" during Kodai Festival in connection with "Badhrakaliamman Temple Festival, at Alangulam Village, Tirunelveli District, scheduled to be held on 07.10.2017, 08.10.2017 and 10.10.2017, respectively, subject to the following conditions;

*(a) the "Aadal Padal", "Innisai Katcheri", "Singari Melam" during Kodai Festival in connection with "Badhrakaliamman Temple Festival, at Alangulam Village, Tirunelveli District, scheduled to be held on 07.10.2017, 08.10.2017 and 10.10.2017, respectively, should be completed before **10.30 p.m.**, or as may be permitted 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;

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(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 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 (RTI)

/True copy/

Sub Assistant Registrar

To

The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

+ 1 CC TO MR.P.Mani Anandh, ADVOCATE IN SR No. 80640

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 81141

mm/cmr

MK/KP/SAR-1/05.10.2017/3P/4C