

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 04.10.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No. 18406 of 2017**

Y.Kumar

... Petitioner

-Vs-

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

2. The Inspector of Police,
Veerapandi Police Station,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and necessary police protection to perform cultural programme (ie.,) "Adal Padal" dance programme on 05.10.2017 at 07.00 p.m to 11.00 p.m in the festival of "Arulmigu Sri Chellaye Amman Thirukovil" Thiruvizha at UpparPatti, Theni Taluk, Theni District.

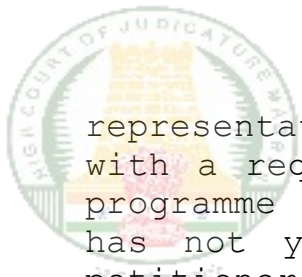
For Petitioner : Mr.V.Manikandan

For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the respondents to grant permission and necessary police protection to perform cultural programme, namely, "Adal Padal" dance programme on 05.10.2017 at 07.00 p.m to 11.00 p.m in connection with "Thiruvizha" of "Arulmigu Sri Chellaye Amman Thirukovil" at UpparPatti, Theni Taluk, Theni District.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" dance programme on 05.10.2017 in connection with a festival in "Arulmigu Sri Chellaye Amman Thirukovil" at UpparPatti, Theni Taluk, Theni District. He further submitted that in this connection, a



representation was given to the second respondent on 28.09.2017, 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.

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3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. The learned Additional Government Pleader appearing for the respondents 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 direction:-

The second respondent/Inspector of Police, Veerapandi Police Station, Theni District, is directed to consider the representation of the petitioner, dated 28.09.2017 and to give permission and to provide police protection for "Adal Padal" dance programme in connection with the festival in "Arulmigu Sri Chellaye Amman Thirukovil" at UpparPatti, Theni Taluk, Theni District, scheduled to be held on 05.10.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the festival in "Arulmigu Sri Chellaye Amman Thirukovil" at UpparPatti, Theni Taluk, Theni District, scheduled to be held on 05.10.2017, should be completed before 10.30 p.m.

(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 dance 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(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Theni District, Theni.
2. The Inspector of Police,
Veerapandi Police Station,
Theni District.

+1cc to M/S. V.MANIKANDAN, Advocate, SR.No.81591.

W.P. (MD) No.18406 of 2017
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