



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2017

CORAM

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

W.P.(MD) No.18435 of 2017

WEB COPY

K.Mohandass

... Petitioner

-Vs-

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

2.The Sub-Inspector of Police,  
Kadupatti Police Station,  
Madurai 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 protection to perform the Aadal Padal Programme on 05.10.2017 in the eve of "Arul Mighu Bethanasamy, Kalamman Thirukovil" at Ayyappa Nayakkanpatti, Kuruvithurai Post, Vadipatti Taluk, Madurai District on the basis of the petitioner's representation dated 30.09.2017.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.D.Murugananthan

Additional Government Pleader.

### O R D E R

This Writ petition is filed for issuing a Writ of Mandamus directing the respondents to grant permission and necessary protection to perform the Aadal Padal Programme on 05.10.2017 in the eve of "Arul Mighu Bethanasamy, Kalamman Thirukovil" at Ayyappa Nayakkanpatti, Kuruvithurai Post, Vadipatti Taluk, Madurai District on the basis of the petitioner's representation dated 30.09.2017.

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 "Aadal Padal" programme on 05.10.2017 in connection with "Arul Mighu Bethanasamy, Kalamman Thirukovil" at Ayyappa Nayakkanpatti, Kuruvithurai Post, Vadipatti Taluk, Madurai District. He further submitted that in this representation was given to the respondent on 30.09.2017, 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.

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 Sub-Inspector of Police, Kadupatti Police Station, Madurai District, is directed to consider the representation of the petitioner, dated 30.09.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with "Arul Mighu Bethanasamy, Kaliasman Thirukovil" at Ayyappa Nayakkanpatti, Kuruvithurai Post, Vadipatti Taluk, Madurai District.", scheduled to be held on 05.10.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the "Arul Mighu Bethanasamy, Kaliasman Thirukovil" at Ayyappa Nayakkanpatti, Kuruvithurai Post, Vadipatti Taluk, Madurai District., scheduled to be held on 05.10.2017 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;

(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;

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(Writs)

/True Copy/

Sub Assistant Registrar

To

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

2.The Sub-Inspector of Police,  
Kadupatti Police Station,  
Madurai District.

+1cc to M/S.R.Karthic Rajan, Advocate SR.No. 81579

W.P.(MD) No.18435 of 2017  
04.10.2017

sss/skn

JM/SV MMS/SAR 3/04.10.2017/3P/4C