



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

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

W.P. (MD) No.18472 of 2017

V.Balakrishnan

... Petitioner

-Vs-

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

2. The Inspector of Police,
H1, Alangulam Police Station,
Alangulam, Tirunelveli District.

... Respondents

Prayer: Writ Petition is 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 09.10.2017 and Innisai Katcheri on 10.10.2017 in the eve of "Arulmighu Pathrakaliamman Kovil", "Kodai Vizha" at Keelapattamudaiyarpuram, Alangulam Taluk, Tirunelveli District.

For Petitioner : Mr.R.Karthic Rajan

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

ORDER

This Writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to grant permission and necessary protection to perform the Aadal Padal Programme on 09.10.2017 and Innisai Katcheri on 10.10.2017 in the eve of "Arulmighu Pathrakaliamman Kovil" "Kodai Vizha" at Keelapattamudaiyarpuram, Alangulam Taluk, Tirunelveli District.

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

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3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" and "Innisai



Katcheri" programme on 09.10.2017 and 10.10.2017 respectively in connection with "Kodai Vizha" in "Arulmighu Pathrakaliamman Kovil" at Keelapattamudaiyarpuram, Alangulam Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the second respondent on 03.10.2017, 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 respondents submitted that this Court may grant permission for conducting "Adal Padal" and "Innisai Katcheri" 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 second respondent/The Inspector of Police, H1, Alangulam Police Station, Alangulam, Tirunelveli District, is directed to consider the representation of the petitioner, dated 03.10.2017 and to give permission and provide police protection for "Adal Padal" and "Innisai Katcheri" programme in connection with "Kodai Vizha" in "Arulmighu Pathrakaliamman Kovil" at Keelapattamudaiyarpuram, Alangulam Taluk, Tirunelveli District, scheduled to be held on 09.10.2017 and 10.10.2017 respectively, subject to the following conditions;

*(a) the "Adal Padal" and "Innisai Katcheri" programme in connection with "Kodai Vizha" in "Arulmighu Pathrakaliamman Kovil" at Keelapattamudaiyarpuram, Alangulam Taluk, Tirunelveli District, scheduled to be held on 09.10.2017 and 10.10.2017 respectively, 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;

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(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 the second respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity so as to maintain law and order and communal harmony. 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, Tirunelveli District.

2. The Inspector of Police,
H1, Alangulam Police Station,
Alangulam, Tirunelveli District.

+ 1 cc TO Mr.R.Karthic Raja , Advocate in SR No. 81694
+1cc to The Special Government Pleader in SR.No.81884

Is/cmr

AE/SV MMS/SAR4/09.10.2017/3P/5C

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05.10.2017