



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.18476 of 2017

L.Murugesan

... Petitioner

-Vs-

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order, dated 23.09.2017 of the 2nd respondent and to quash the same and consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (ie.,) Adal Padal on 15.10.2017 in the eve of Arul Mighu Thangammal Kovil "Thiruvizha" at Arumugampatti Village, Ambasamudram Taluk, Tirunelveli District.

For Petitioner : Mr.R.Karthick Rajan

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

ORDER

This Writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order, dated 23.09.2017 of the 2nd respondent and to quash the same and consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (ie.,) Adal Padal on 15.10.2017 in the eve of Arul Mighu Thangammal Kovil "Thiruvizha" at Arumugampatti Village, Ambasamudram Taluk, Tirunelveli District.

respondents.

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme on 15.10.2017 in Arul Mighu Thangammal Kovil "Thiruvizha" at Arumugampatti Village, Ambasamudram Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the second respondent on 23.09.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the permission was refused by the second respondent by an impugned order, dated 23.09.2017 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" programme subject to stringent conditions.

5. Considering the facts and circumstances of the case, the impugned order passed by the second respondent, dated 23.09.2017 is set-a-side. The Writ Petition is Allowed with the following directions:

The second respondent/The Inspector of Police, Vikramasingapuram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 23.09.2017 and to give permission and to provide police protection for "Adal Padal" programme in Arul Mighu Thangammal Kovil "Thiruvizha" at Arumugampatti Village, Ambasamudram Taluk, Tirunelveli District, scheduled to be held on 15.10.2017, subject to the following conditions;

*(a) the "Adal Padal" programme in Arul Mighu Thangammal Kovil "Thiruvizha" at Arumugampatti Village, Ambasamudram Taluk, Tirunelveli District, scheduled to be held on 15.10.2017, 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;

(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. 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,
Vikramasingapuram Police Station,
Tirunelveli District.

+ 1 cc TO Mr.R.Karthick Rajan , Advocate in SR No. 81695
+1cc to The Special Government Pleader in SR.No.81885

Is/cmr

AE/KP/SAR1/11.10.2017/3P/5C