



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.18480 of 2017

WEB COPY

S.M.Venkatesan

...Petitioner

-Vs-

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to grant permission and necessary police protection to perform the cultural program i.e., Aadal Paadal in the event of "Arulmigu Sri Villayuthamudaiya Ayyanar Sri Muthaiya Swami Puratachi Thiruvizha" to be held on 08.10.2017 at about 6.00 pm at Kochadai Village, Madurai city.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.D.Muruganadam

Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, to direct the second respondent to grant permission and necessary police protection to perform the cultural program i.e., Aadal Paadal in the event of "Arulmigu Sri Villayuthamudaiya Ayyanar Sri Muthaiya Swami Puratachi Thiruvizha" to be held on 08.10.2017 at about 6.00 pm at Kochadai Village, Madurai.

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 Paadal" programme on 08.10.2017, in connection with "Arulmigu Sri Villayuthamudaiya Ayyanar and Sri Muthaiya Swami Puratachi Thiruvizha" situated in Kochadai Village, Madurai District. He further submitted that in
<https://hdservices.e-courts.gov.in/cases/> a representation was given to the respondents on 03.05.2017 with a request to grant permission and police 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 fairly submitted that this Court may grant permission for conducting "Aadal Paadal" 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, S.S.Colony Police Station, Madurai City, is directed to consider the representation of the petitioner, dated 03.05.2017 to give permission and to provide adequate police protection for "Aadal Padal" in connection with "Arulmigu Sri Villayuthamudaiya Ayyanar Sri Muthaiya Swami Puratachi Thiruvizha" situated in Kochadai Village, Madurai District, scheduled to be held on 08.10.2017, subject to the following conditions;

(a) the "Aadal Padal" in connection with "Arulmigu Sri Villayuthamudaiya Ayyanar Sri Muthaiya Swami Puratachi Thiruvizha" situated in Kochadai Village, Madurai District, scheduled to be held on 08.10.2017 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) 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



(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

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.

+1cc to M/S.T.Thirumurugan, Advocate SR.No. 81705

W.P.(MD) No. 18480 of 2017
05.10.2017

CMR/LS
JM/SKN RSK/SAR 1/06.10.2017/3P/4C