



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

CORAM

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

W.P. (MD) No.18515 of 2017

Muthuraja

... 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 2nd respondent to grant permission and protection for cultural event namely Aadal Padal scheduled to be held on 01.11.2017 at night in connection with "Maha Kumbabishekam Festival" in Arulmigu Sri Sankili Karuppasamy Thirukkivil at South Street, Dharmapuri Village, Theni Taluk, Theni District by considering the petitioner's representation dated 19.09.2017.

For Petitioner : Mr.J.M.Jeya Karthick
For Respondents : Mr.D.Muruganandam
Additional Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the 2nd respondent to grant permission and protection for cultural event namely Aadal Padal scheduled to be held on 01.11.2017 at night in connection with "Maha Kumbabishekam Festival" in Arulmigu Sri Sankili Karuppasamy Thirukkivil at South Street, Dharmapuri Village, Theni Taluk, Theni District, by considering the petitioner's representation dated 19.09.2017.

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

3.The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Aadal Padal" programme on 01.11.2017 in connection with "Maha Kumbabishekam" festival in "Arulmigu Sri Sankili Karuppasamy Thirukkivil", at South Street, Dharmapuri Village, Theni Taluk, Theni District. He further submitted that in this connection, a representation was given to the respondent on 19.09.2017, 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 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 directions:

The 2nd respondent/The Inspector of Police, Veerapandi Police Station, Theni District, is directed to consider the representation of the petitioner, dated 19.09.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with "Maha Kumbabishekam" festival in "Arulmigu Sri Sankili Karuppasamy Thirukkivil", at South Street, Dharmapuri Village, Theni Taluk, Theni District, scheduled to be held on 01.11.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with the "Maha Kumbabishekam" festival in "Arulmigu Sri Sankili Karuppasamy Thirukkivil", at South Street, Dharmapuri Village, Theni Taluk, Theni District, scheduled to be held on 01.11.2017 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 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

/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 Mr.J.M.JEYAKARTHIK,Advocate,SR. 81723

+1cc to M/S.Special Government Pleader,SR. 81815

W.P.(MD) No. 18515 of 2017
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CMR/LS

KK/RSK/SAR 1/20.10.2017/ 3P- 5C/