

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 09.10.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.18693 of 2017**

V.Anbalakan

... Petitioner

-Vs-

The Inspector of Police,
Sempatty Police Station,
Dindigul District.

... Respondent

Prayer: Writ Petition 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 passed by the respondent undated but served to the petitioner on 02.10.2017 and quash the same and consequently direct the respondent police to grant permission to conduct "Aadal Padal" programme on 12.10.2017 at about 06.00 p.m. in "Shri Muthalamman Kovil Urchava Thiruvizha" situated at Alagarnayakanpatti, Aathur Taluk, Dindigul District.

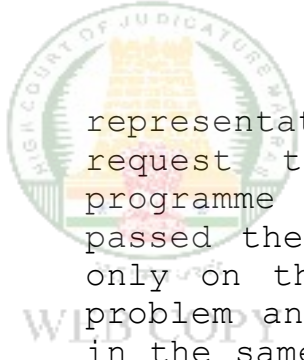
For Petitioner : Mr.S.Vellaichamy
For Respondent : Mr.D.Muruganantham
Additional Government Pleader.

O R D E R

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent, served to the petitioner on 02.10.2017 and quash the same and consequently direct the respondent police to grant permission to conduct "Aadal Padal" programme on 12.10.2017 at about 06.00 p.m. in "Shri Muthalamman Kovil Urchava Thiruvizha" situated at Alagarnayakanpatti, Aathur Taluk, Dindigul District.

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 12.10.2017 in connection with "Shri Muthalamman Kovil Urchava Thiruvizha" situated at Alagarnayakanpatti, Aathur Taluk, Dindigul District. He further submitted that in this connection, a



representation was given to the respondent on 28.09.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent has passed the impugned order, rejecting the claim of the petitioner only on the ground that there is a likelihood of law and order problem and no other specific incidents or reasons were observed in the same.

4.This Court on various occasions has granted permission to 'Aadal Padal' or any other cultural event in relation to temple festivals, which are conducted through out the state. The respondent is excepted to state specific reason, if there is a bona fide reason leading to law and order problem. It is due to the conduct of the organizer of the programme or on account of any untoward incident during the past, the permission can be rejected. Hence, this Court is not able to subscribe the view taken by the respondent for refusing the permission by the impugned order. Hence, this Court is inclined to pass the following directions:

5.The impugned order passed by the respondent is set aside and the respondent police is directed to consider the representation of the petitioner dated 28.09.2017 and give permission and adequate police protection to conduct "Aadal Padal" programme on 12.10.2017 in connection with "Shri Muthalamman Kovil Urchava Thiruvizha" situated at Alagarnayakanpatti, Aathur Taluk, Dindigul District, subject to the following conditions:

(a) the "Aadal Padal" programme in connection with the "Shri Muthalamman Kovil Urchava Thiruvizha" situated at Alagarnayakanpatti, Aathur Taluk, Dindigul District, scheduled to be held on 12.10.2017 should be completed before 10.30 p.m., or as may be permitted by the 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;

<https://hcservices.ecourts.gov.in/hcservices> 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.

7.In view of the above, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Sempatty Police Station,
Dindigul District.

+1cc to M/S. S.VELLAICHAMY, Advocate, SR.No.82181.

+1cc to Special Government Pleader, SR.No.82304.

W.P.(MD) No. 18693 of 2017
09.10.2017

gsp/cmr

SDS/SV:MMS/SAR 3/11.10.2017/3P/4C