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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2017

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No.18705 of 2017

J.Sathumuniyasamy

... Petitioner

-Vs-

The Inspector of Police,
Pandiyan Nagar Police Station,
Virudhunagar District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to give necessary police protection and permit the petitioner to conduct "Aadalum Padalum" cultural programme during "Arulmighu Sree Selvakalaiaimman Kovil festival at Anna Nagar Street, Pandian Nagar, Virudhunagar District on 11.10.2017 and consider the petitioner's representation dated 05.10.2017.

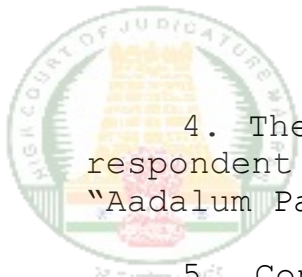
For Petitioner : Mr.Lakshmi Gopinathan
For Respondent : Mr.D.Muruganantham
Additional Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the respondent herein to give necessary police protection and permit the petitioner to conduct "Aadalum Padalum" cultural programme during "Arulmighu Sree Selvakalaiaimman Kovil festival at Anna Nagar Street, Pandian Nagar, Virudhunagar District on 11.10.2017 and consider the petitioner's representation dated 05.10.2017.

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 "Aadalum Padalum" programme on. 11.10.2017 in connection with "Arulmighu Sree Selvakalaiaimman Kovil festival at Anna Nagar Street, Pandian Nagar, Virudhunagar District. He further submitted that in this connection, a representation was given to the respondent on 05.10.2017, 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 respondent submitted that this Court may grant permission for "Aadalum Padalum" 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 respondent/The Inspector of Police, Pandiyan Nagar Police Station, Virudhunagar District, is directed to consider the representation of the petitioner, dated 05.10.2017 and to give permission and to provide police protection for "Aadalum Padalum" programme in connection with "Arulmighu Sree Selvakalaiamman Kovil festival at Anna Nagar Street, Pandian Nagar, Virudhunagar District, scheduled to be held on 11.10.2017, subject to the following conditions;

(a) the "Aadalum Padalum" programme in connection with the "Arulmighu Sree Selvakalaiamman Kovil festival at Anna Nagar Street, Pandian Nagar, Virudhunagar District, scheduled to be held on 11.10.2017 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;

(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(CO)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Pandiyan Nagar Police Station,
Virudhunagar District.

+1cc to M/s. POLAX LEGAL SOLUTIONS Advocate in SR. No. 82052

GSP/CMR

JS/SV.MMS/SAR.2/10.10.2017/3P-3C

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