



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2017

CORAM

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

W.P. (MD) No.18822 of 2017

Balasingh

... Petitioner

-Vs-

The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned order of the respondent dated 05.10.2017 and quash the same in relation to the rejection of permission for performing Adal Padal on 11.10.2017 and further direct the respondent to provide police permission and protection to the Adal Padal schedule to be held on 11.10.2017 at about 08.00pm, Sriman Narayanansamy Temple and Mutharamman Temple at Elluvilai, Kuthiraimozhi Village, Paramankurichi, Tiruchendur, Thoothukudi District.

For Petitioner	: Mr.M.Jegadeesh Pandian
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, to call for the impugned order of the respondent dated 05.10.2017 and quash the same in relation to the rejection of permission for performing Adal Padal on 11.10.2017 and further direct the respondent to provide police permission and protection to the Adal Padal schedule to be held on 11.10.2017 at about 08.00pm, Sriman Narayanansamy Temple and Mutharamman Temple at Elluvilai, Kuthiraimozhi Village, Paramankurichi, Tiruchendur, Thoothukudi District.

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

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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" Dance programme on



11.10.2017 in connection with a festival in Sriman Narayanansamy Temple and Mutharamman Temple at Elluvilai, Kuthiraimozhi Village, Paramankurichi, Tiruchendur, Thoothukudi District. He further submitted that in this connection, a representation was given to the respondent on 03.10.2017, 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. However, the permission was rejected by the impugned order passed by the respondent dated 05.10.2017, on the ground that there is a likelihood of law and order problem and that the Section 30(2) of Police Act is in force. It has been repeatedly pointed out by this Court that merely because there is a likelihood of law and order problem, permission to conduct any cultural programme in relation to temple festival cannot be rejected unless there was a circumstances which would indicate that such permission will disrupt the public peace and tranquility. In this case it is not stated that due to antecedent or because of communal interest permission cannot be given. The order rejecting the said representation for grant of permission and police protection should be for objective reasons. When the impugned order is set aside, having regard to the fact that the permission is also granted subject to reasonable restrictions and some conditions so as to enable the respondent to enforce the law and order preventing from any untoward incidents.

5. The learned Additional Government Pleader appearing for the respondent submitted that this Court may grant permission for "Adal Padal" Dance programme subject to stringent conditions.

6. Considering the facts and circumstances of the case, the impugned order dated 05.10.2017 passed by the respondent is set aside and the Writ petition is allowed with the following direction:-

The respondent/The Inspector of Police, Tiruchendur Police Station, Thoothukudi District, is directed to consider the representation of the petitioner, dated 03.10.2017 and to give permission and to provide police protection for "Adal Padal" Dance programme in connection with a festival in Sriman Narayanansamy Temple and Mutharamman Temple at Elluvilai, Kuthiraimozhi Village, Paramankurichi, Tiruchendur, Thoothukudi District, scheduled to be held on 11.10.2017, subject to the following conditions;

(a) the **"Adal Padal"** Dance programme in connection with a festival in Sriman Narayanansamy Temple and Mutharamman Temple at Elluvilai, Kuthiraimozhi Village, Paramankurichi, Tiruchendur, Thoothukudi 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.

7. The respondent is at liberty to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity so as to maintain law and order and communal harmony. 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

The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.

+ 1 CC TO Mr.M.JEGADEESH PANDIAN, ADVOCATE IN SR No. 82246

CP/TRP

TE/KP/SAR-I : 11/10/2017 : 4P/3C

W.P.(MD) No. 18822 of 2017
10.10.2017