



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2017

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

W.P.(MD) No.18866 of 2017

R.Lashmanan

... Petitioner

-Vs-

1.The Superintendent of Police,
Theni District, Theni.

2.The Sub Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the petitioner to perform the temple festival in A/m.Manthaiamman Kovil Temple, Kailasapatti, Periyakulam, Theni District, scheduled from 10.10.2017 to 12.10.2017 with cultural programme of "Salangai Oli's Adala Padal" scheduled on 11.10.2017 as per the representation of the petitioner dated 06.10.2017 in person.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents herein to permit the petitioner to perform the temple festival in A/m.Manthaiamman Kovil Temple, Kailasapatti, Periyakulam, Theni District, scheduled from 10.10.2017 to 12.10.2017 with cultural programme of "Salangai Oli's Adala Padal" scheduled on 11.10.2017 as per the representation of the petitioner dated 06.10.2017 in person.

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

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The learned counsel for the petitioner submitted that the villagers jointly decided to conduct the temple festival in A/m.Manthaiamman Kovil Temple, Kailasapatti, Periyakulam, Theni



District, scheduled from 10.10.2017 to 12.10.2017 with cultural programme of "Salangai Oli's Adala Padal" scheduled on 11.10.2017. He further submitted that in this connection, a representation was given to the respondent on 06.10.2017, 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 respondents submitted that this Court may grant permission for Temple festival and Adal Padal programmes subject to stringent conditions.

5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

i) The second respondent/The Sub Inspector of Police, Thenkarai Police Station, Periyakulam, Theni District, is directed to consider the representation of the petitioner, dated 06.10.2017 and to give permission and to provide police protection for performing the temple festival in A/m.Manthaiamman Kovil Temple, Kailasapatti, Periyakulam, Theni District, scheduled to be held on 10.10.2017 to 12.10.2017.

ii) The second respondent/The Sub Inspector of Police, Periyakulam, Theni District, is directed to consider the representation of the petitioner, dated 06.10.2017 and to give permission and to provide police protection for "Adal Padal" Dance programme in connection with a festival in A/m.Manthaiamman Kovil Temple, Kailasapatti, Periyakulam, Theni District, scheduled to be held on 11.10.2017, subject to the following conditions;

(a) the "Adal Padal" Dance programme in connection with the a festival in A/m.Manthaiamman Kovil Temple, Kailasapatti, Periyakulam, Theni 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;

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

(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. The second 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

1.The Superintendent of Police,
Theni District, Theni.

2.The Sub Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.

+One cc to Mr.K.Appadurai, Advocate, SR.No.82220

cp/trp

RL/4C/3P/SV/MMS/SAR3/11/10/2017

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