

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

DATED: 10.10.2017

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

WEB COPY

W.P. (MD) No.18878 of 2017

M.Kalimuthu

... Petitioner

-Vs-

1. The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar District.
2. The Inspector of Police (Law and Order),
Krishnan Kovil Police Station (Circle),
Virudhunagar District.
3. The Sub-Inspector of Police,
Malli Police Station,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent Nos. 2 and 3 to give police permission and adequate police protection to the "Adal Padal" festival scheduled on 12.10.2017 at about 09.00 PM at "Arulmigu Sri Kaliyamman Thirukovil", Saminatham Village, Virudhunagar District by considering the petitioner's representation dated 26.09.2017.

For Petitioner : Mr.M.Jegadeesh Pandian

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 Respondent Nos. 2 and 3 to grant permission and adequate police protection to the "Adal Padal" programme on 12.10.2017 at about 09.00 P.M., in connection with a festival in "Arulmigu Sri Kaliyamman Thirukovil", at Saminatham Village, Virudhunagar District by considering the petitioner's representation dated 26.09.2017.

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 "Adal Padal" programme on 12.10.2017 in connection with a festival in "Arulmigu Sri Kalamman Thirukovil", situated at Saminatham Village, Virudhunagar District. He further submitted that in this connection, a representation given to the respondents on 26.09.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondents have 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 third respondent/The Sub-Inspector of Police, Malli Police Station, Virudhunagar, is directed to consider the representation of the petitioner, dated 26.09.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with a festival, in "Arulmigu Sri Kalamman Thirukovil", situated at Saminatham Village, Virudhunagar District, scheduled to be held on 12.10.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with a festival, in "Arulmigu Sri Kalamman Thirukovil", situated at Saminatham Village, Virudhunagar District, scheduled to be held on 12.10.2017 should be completed before 10.30 p.m., or as may be permitted by the third respondent.

(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 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 third respondent police 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(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar District.
2. The Inspector of Police (Law and Order),
Krishnan Kovil Police Station (Circle),
Virudhunagar District.
3. The Sub-Inspector of Police,
Malli Police Station,
Virudhunagar.

+1cc to M/S. M.JEGADEESH PANDYAN, Advocate, SR.No.82247.

W.P.(MD) No. 18878 of 2017
10.10.2017

km/pmu

SDS/SV:MMS/SAR 3/11.10.2017/3P/5C