

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

DATED: 11.10.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.18995 of 2017**

R.Murugan

...Petitioner

-Vs-

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

2. The Inspector of Police,
Rayappanpatti Police Station,
Theni District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant permission and necessary protection to perform the cultural programme (ie.) Adal Padal Dance Programme on 13.10.2017 at 07.00 pm to 12.00 pm in the festival of Arulmigu Sri Karuppasamy Thirukovil at Nagaiyakavundapatti, Uthamapalayam Taluk, Theni District.

For Petitioner : Mr.V.Manikandan
For Respondents : Mr.D.Muruganadam
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, to direct the respondents to grant permission and necessary protection to perform the cultural programme (ie.) Adal Padal Dance Programme on 13.10.2017 at 07.00 pm to 12.00 pm in the festival of Arulmigu Sri Karuppasamy Thirukovil at Nagaiyakavundapatti, Uthamapalayam Taluk, Theni 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 Adal Padal Dance Programme on 13.10.2017



at 07.00 pm to 12.00 pm in the festival of Arulmigu Sri Karuppasamy Thirukovil at Nagaiyakavundapatti, Uthamapalayam Taluk, Theni District. He further submitted that in this connection, a representation was given to the second respondent on 08.10.2017, 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 "Aadal 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 second respondent/The Inspector of Police, Rayappanpatti Police Station, Theni District, is directed to consider the representation of the petitioner, dated 08.10.2017 and to give permission and to provide police protection for "Aadal Padal" programme in connection with festival of Arulmigu Sri Karuppasamy Thirukovil at Nagaiyakavundapatti, Uthamapalayam Taluk, Theni District, scheduled to be held on 13.10.2017, subject to the following conditions;

(a) the "Aadal Padal" programme in connection with festival of Arulmigu Sri Karuppasamy Thirukovil at Nagaiyakavundapatti, Uthamapalayam Taluk, Theni District, scheduled to be held on 13.10.2017 should be completed before 10.30 p.m., or as may be permitted by the second 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 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;

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(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(RTI)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Rayappanpatti Police Station,
Theni District.

+1cc to M/S. V.MANIKANDAN, Advocate, SR.No.82492.

+1cc to Special Government Pleader, SR.No.82552.

W.P. (MD) No.18995 of 2017
11.10.2017

cmr/km

SDS/SV:MMS/SAR 3/12.10.2017/3P/5C