

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

DATED: 13.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.19122 of 2017**

WEB COPY

M. Pandi Poosari

... Petitioner

-Vs-

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

2. The Inspector of Police,
Melur Police Station, Melur, Madurai District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to give the permission and adequate Police Protection for conducting the Adal Padal Dance Programme on 21.10.2017 in the eve of Arulmigu "Odaikaruppu" Mandala Pooja Festival belongs to Narasingampatti village, Melur Taluk, Madurai District on the basis of representation dated 10.10.2017.

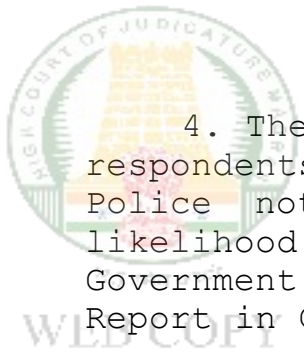
For Petitioner : M/s.T. Vadivelan
For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents to give the permission and adequate Police Protection for conducting the Adal Padal Dance Programme on 21.10.2017 in the eve of "Arulmigu Odaikaruppu Mandala Pooja Festival" belongs to Narasingampatti village, Melur Taluk, Madurai District on the basis of representation dated 10.10.2017.

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 "Adal Padal" programme on 21.10.2017 in connection with a festival in "Arulmigu Odaikaruppu Mandala Pooja Festival" belongs to Narasingampatti village, Melur Taluk, Madurai District. He further submitted that in this connection, representations were given to the respondent on 10.10.2017 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 on instructions submitted the second respondent Police not to permit the cultural programme as there is a likelihood of law and order problem. The learned Additional Government Pleader also produced a copy of the First Information Report in Crime Nos.34 to 36 of 2016.

5. The Crime Nos.34 to 36 of 2016 were registered at the instance of the individuals in relation to the private dispute and the offences are also under Sections 147, 341, 294(b), 323, 307 and 506(i)506(ii) of IPC r/w. 3(i)(x) of SC/ST Act and Section 3 (2) (Va) of POA Amendment Act. The reading of the First Information Report, does not indicate that there is a dispute with regard to the conduct of any festival or cultural event in relation to the temple.

6. In the circumstances, this Court is not in a position to proceed the contentions of the learned Additional Government Pleader to reject the permission. The cultural events in relation to the temple is a lawful celebration of the villagers unless there is a real threat to law and order on account of only entrust or there is a likelihood of future peace by the attitude of the organizers of the programme. The permission cannot be refused. In that view of the matter, the Writ Petition is disposed of with the following directions:

The second respondent /The The Inspector of Police, Melur Police Station, Melur, Madurai District, is directed to consider the representations of the petitioner, dated 10.10.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with a festival in "Arulmigu Odaikaruppu" Mandala Pooja Festival belongs to Narasingampatti village, Melur Taluk, Madurai District., scheduled to be held on 21.10.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with a festival in "Arulmigu Odaikaruppu" Mandala Pooja Festival belongs to Narasingampatti village, Melur Taluk, Madurai District, scheduled to be held on 21.10.2017 should be completed before 10.00 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;

<https://hcservices.ecourts.gov.in/hcservices/> 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 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(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Inspector of Police,
Melur Police Station, Melur, Madurai District.

+1cc to M/S. T.VADIVELAN, Advocate, SR.No.82857.

W.P. (MD) No.19122 of 2017
13.10.2017