



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDARW.P. (MD) No.19329 of 2017

T. Nainar

... Petitioner

-Vs-

State rep. by
The Inspector of Police,
Pavoorchatram Police Station,
Thirunelveli 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 records pertaining to the impugned order passed by the respondent in his proceedings in Not Known / 2017 dated 04.10.2017, and quash the same as illegal, consequently, direct the respondent to permit the petitioner to conduct "Adal Padal" on 31.10.2017 during the festival of Vellaipannaieripatti "Arulmigu Mupitathiamman Temple" Vellaipannaieripatti, Tenkasi Taluk, Thirunelveli District."

For Petitioner : Mr. K. Veilmuthu

For Respondent : Mr.D.Muruganantham,
Additional Government Pleader.**ORDER**

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent in his proceedings in Not Known / 2017 dated 04.10.2017, and quash the same as illegal, consequently, direct the respondent to permit the petitioner to conduct "Adal Padal" on 31.10.2017 during the festival of Vellaipannaieripatti "Arulmigu Mupitathiamman Temple" Vellaipannaieripatti, Tenkasi Taluk, Thirunelveli District".

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme on 31.10.2017 in connection with a festival in "Arulmigu Mupitathiamman Temple" Vellaipannaieripatti, Tenkasi Taluk, Thirunelveli District. He would further submit that in this connection, a representation was given to the respondent on 04.10.2017, with a request to grant permission and protection to conduct the programme on the above said date and the respondent Police has denied permission stating that the peoples are belong to different communities and that therefore, there is a likelihood of law and order problem and hence, the

<https://hcservices.courts.gov.in/hcservices/> before this Court with this Writ Petition.

3. Heard the learned counsel appearing for the petitioner and



the learned Additional Government Pleader appearing for the respondents.

4. The conditions imposed by this Court is only to prevent any untoward incidents because of much crowd. Hence, merely because, the people from different communities are likely to attend the programme that is not a ground for denying the permission to the petitioner. Hence, the impugned order dated 04.10.2017 passed by the respondent is quashed and this Court is inclined to pass the following direction:-

The respondent / The Inspector of Police, Pavorchatram Police Station, Thirunelveli District , is directed to consider the representation of the petitioner, dated 04.10.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with a festival in "Arulmigu Mupitathiamman Temple" Vellaipannaieripatti, Tenkasi Taluk, Thirunelveli District" scheduled to be held on 31.10.2017, subject to the following conditions;

*(a) the "Adal Padal" programme in connection with a festival in "Arulmigu Mupitathiamman Temple" Vellaipannaieripatti, Tenkasi Taluk, Thirunelveli District." scheduled to be held on **31.10.2017** 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.

5. 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. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(A.E)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Pavoorchatram Police Station,
Thirunelveli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 83028

TRP

JS/SV.MMS/SAR.1/25.10.2017/3P-3C

W.P.(MD) No.19329 of 2017
13.10.2017