



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

CORAM

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

W.P. (MD) No.19621 of 2017

Kumaresan

... Petitioner

-Vs-

The Inspector of Police,
Pavoorchathram Police Station,
Tirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, praying to call for the records pertaining to the impugned order passed by the respondent dated Nil and quash the same as illegal, consequently direct the respondent to permit the petitioner to perform Aadal Padal programme on 07.11.2017 from 08.00 p.m. onwards during the temple festival of Arulmighu Ramasamy & Muppudathi Temple, Melaariyappuram Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.D.Venkatesh
For Respondent : Mr.R.Karthikeyan
Additional Government Pleader

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent dated Nil and quash the same as illegal, consequently direct the respondent to permit the petitioner to perform Aadal Padal programme on 07.11.2017 from 08.00 p.m. onwards during the temple festival of Arulmighu Ramasamy & Muppudathi Temple, Melaariyappuram Village, Tenkasi Taluk, Tirunelveli District.

2.The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Aadal Padal" programme on 07.11.2017 in connection with a temple festival of "Arulmighu Ramasamy & Muppudathi Temple" at Melaariyappuram Village, Tenkasi Taluk, Tirunelveli District. He would further submit 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 rejected the said representation, by an impugned order, dated Nil and hence, the petitioner is before this Court with this Writ Petition.

3. The learned Additional Government Pleader appearing for the respondent, on instructions, submitted that no adverse remarks have been received for "Adal Padal" programme in connection with the temple festival as scheduled to be conducted by the petitioner on 07.11.2017.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

5. Taking into consideration the facts and circumstances of the case, the impugned order passed by the respondent is set aside and the Writ Petition is allowed. The respondent/Inspector of Police, Pavoorchathram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 06.10.2017 and give permission and to provide police protection for "Adal Padal" programme in connection with temple festival of "Arulmighu Ramasamy & Muppudathi Temple" at Melaariyappuram Village, Tenkasi Taluk, Tirunelveli District scheduled to be held on 07.11.2017, subject to the following conditions and any other reasonable restrictions that may be imposed by the respondent in the interest of public and to preserve the law and order:

(a) the "Adal Padal" programme in connection with the festival of "Arulmighu Ramasamy & Muppudathi Temple" at Melaariyappuram Village, Tenkasi Taluk, Tirunelveli District scheduled to be held on 07.11.2017 should be completed before 10.30 p.m.

(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) no flex boards in support of any political party or religious leader be erected;

(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 dance 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 also open to the respondent to impose any reasonable restrictions / conditions in the interest of public and to preserve the law and order and communal harmony. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

The Inspector of Police,
Pavoorchathram Police Station,
Tirunelveli District.

+One cc to M/s.D.Venkatesh, Advocate, SR.No.84284

+One cc to The Special Government Pleader, SR.No.84382

SRM

RL/4C/3P/SKN/RSK/SAR1/3/11/2017

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30.10.2017