



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.19747 of 2017

C.Tamilarasan

... Petitioner

-Vs-

The Inspector of Police,
Pavoorchadram Police Station,
Tirunelveli 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 relating to the proceedings of impugned order of the respondent in respect of the Innisai katcheri and Aadal Padal in pursuance to the Aippasi Festival of the "Arulmigu Sri Muppudathiamman Temple" dated 24.10.2017 and quash the same and further directing the respondent to grant permission to conduct the "Innisai Kacheri and Aadal Paadal" dance program on 30.10.2017 from 07.00 pm to 11.00 pm in pursuance to the Aippasi festival of the "Arulmigu Sri Muppudathiamman Temple" situated in Podiyanur village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.C.Susikumar

For Respondent : Mr.D.Muruganantham

Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, to call for the records and quash the proceedings of impugned order dated 24.10.2017, passed by the respondent and further directing the respondent to grant permission to conduct the "Innisai Kacheri and Aadal Paadal" dance program on 30.10.2017 from 07.00 pm to 11.00 pm in pursuant to the Aippasi festival of the "Arulmigu Sri Muppudathiamman Temple" situated in Podiyanur village, Tenkasi Taluk, Tirunelveli District.

<https://hcservices.courts.gov.in/hcservices/courts/index.html> 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 "Innisai Kacheri and Aadal Paadal" on 30.10.2017 in pursuant to the Aippasi festival of the "Arulmigu Sri Muppudathiamman Temple" situated in Podiyanur village, Tenkasi Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 24.10.2017, with a request to grant permission and protection to conduct the program on the above said date. However, the respondent rejected the said representation, by the impugned proceeding, dated 24.10.2017, and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondent, on instructions, submitted that this Court may grant permission for "Innisai Kacheri and Aadal Paadal" subject to stringent conditions.

5. Considering the facts and circumstances of the case, the impugned order dated 24.10.2017 passed by the respondent is set aside and the Writ petition is allowed with the following direction:-

The respondent/The Inspector of Police, Pavoorchadram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 24.10.2017 and to give permission and to provide police protection for "Innisai Kacheri and Aadal Paadal" in connection with Aippasi festival of "Arulmigu Sri Muppudathiamman Temple" situated in Podiyanur village, Tenkasi Taluk, Tirunelveli District, subject to the following conditions;

(a) the "Innisai Kacheri and Aadal Paadal" in connection with Aippasi festival of "Arulmigu Sri Muppudathiamman Temple" situated in Podiyanur village, Tenkasi Taluk, Tirunelveli District, should be completed before 10.30 p.m. or as may be directed by the respondent police.

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

(c) no songs, touching upon any political party or religion, community or caste be played;

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

<https://hcservices.ecourts.gov.in/hcservices> (e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;



(f) 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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(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

(i) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

6. It is open to second 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(Records)

/True Copy/

Sub Assistant Registrar.

To

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

+1CC to Mr.B.Baskar, Advocate, SR.No.83828

W.P. (MD) No.19747 of 2017
26.10.2017

cmr

AM/SV MMS/SAR 2/26.10.2017/3P/3C