



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.20131 of 2017

WEB COPY

S.K.Thangachamy

... Petitioner

-Vs-

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

2.The Sub-Inspector of Police,
Senthamaram Police Station,
Tirunelveli District.

... Respondents

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 rejection order of the second respondent dated 29.10.2017 and quash the same and consequently direct the respondents to grant permission and protection for Aadal Padal programme perform by "Muthalamman Adal Padal Programme" in connection with "Kodaivizha" scheduled to be held on 09.11.2017 at "Arulmigu Sri Madasamy Thirukovil at Velappanadaroor Village, Kadayanallur Taluk, Tirunelveli District by considering the petitioner's representation dated 26.10.2017.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : 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 rejection order of the second respondent dated 29.10.2017 and quash the same and consequently direct the respondents to grant permission and protection for Aadal Padal programme perform by "Muthalamman Adal Padal Programme" in connection with "Kodaivizha" scheduled to be held on 09.11.2017 at "Arulmigu Sri Madasamy Thirukovil at Velappanadaroor Village, Kadayanallur Taluk, Tirunelveli District, by considering the petitioner's representation dated 26.10.2017.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the petitioner submitted that the



villagers jointly decided to conduct Aadal Paadal programme on 09.11.2017 in pursuant to the "Kodai Vizha" at "Arulmigu Sri Madasamy Thirukovil at Velappanadaroor Village, Kadayanallur Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 26.10.2017, 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 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 "Aadal Paadal" programme subject to stringent conditions.

5.Considering the facts and circumstances of the case and the submission made by the learned Additional Government Pleader, the impugned order passed by the respondent dated 29.10.2017 is set aside and the Writ Petition is allowed, with the following directions:

The second respondent/The Sub Inspector of Police, Senthamaram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 26.10.2017 and to give permission and to provide police protection for "Aadal Paadal" programme in connection with Kodai Vizha of "Arulmigu Sri Madasamy Thirukovil at Velappanadaroor Village, Kadayanallur Taluk, Tirunelveli District, scheduled to be held on 09.11.2017, subject to the following conditions;

(a) the "Aadal Paadal" programme in connection with "Kodai Vizha" of "Arulmigu Sri Madasamy Thirukovil at Velappanadaroor Village, Kadayanallur Taluk, Tirunelveli District, scheduled to be held on 09.11.2017, 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;

(e) no service 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;

(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

/True copy/

Sub Assistant Registrar

To

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

2.The Sub-Inspector of Police,
Senthamaram Police Station,
Tirunelveli District.

+1cc to Mr.R.KARTHICRAJAN,Advocate,SR.84888

+1cc to M/S.Special Government Pleader,SR.85039

W.P. (MD) No.20131 of 2017
02.11.2017

CMR

KK/MR KKR/SAR 2/06.11.2017/ 3P-5C