



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2017

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

W.P.(MD) No. 21786 of 2017

K.Alagarsamy

... Petitioner

-Vs-

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

2.The Inspector of Police,
K2 Kallikudi Police Station,
Kallikudi,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 23.11.2017, to grant permission to conduct the "Kumbabishagam" as well as other programmes and also to conduct the "Aadal Padal" at about 06.00 p.m. to 12.00 p.m. On 02.12.2017 and the temple namely "Arulmigu Sri Sembayee Amman Thirukovil" in K.Chennampatti, Thirumangalam Taluk, Madurai District.

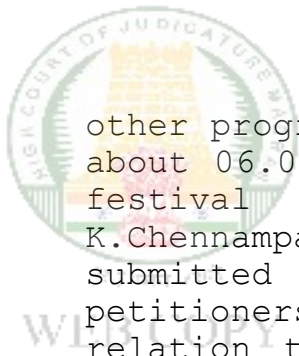
For Petitioner : Mr.Chamundi Bose

For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the second respondent and to consider the petitioner's representation dated 23.11.2017, to grant permission to conduct the "Kumbabishagam" as well as other programmes and also to conduct the "Aadal Padal" at about 06.00 p.m. to 12.00 p.m. on 02.12.2017 and the temple namely "Arulmigu Sri Sembayee Amman Thirukovil" in K.Chennampatti, Thirumangalam Taluk, Madurai District.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Kumbabishagam" as well as



other programmes and also to conduct the "Adal Padal" programme at about 06.00 p.m. to 12.00 p.m. on 02.12.2017 in connection with a festival in "Arulmigu Sri Sembayee Amman Thirukovil" at K.Chennampatti, Thirumangalam Taluk, Madurai District. He further submitted that there is no rival claim or dispute among the petitioners to conduct the "Kumbabishagam" and the festival in relation to "Arulmigu Sri Sembayee Amman Thirukovil" situated in K.Chennampatti, Thirumangalam Taluk, Madurai District. In this connection, a representation was given to the respondent on 23.11.2017, with a request to grant permission and protection to conduct the programmes 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.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner may be granted with stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such programme.

5. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every villages all over the state, preventing the petitioner from conducting such programme in this particular village will amount to discrimination. However, taking into account the objections of the respondent police, this Court is inclined to pass the following direction:-

The second respondent/Inspector of Police, K2 Kallikudi Police Station, Kallikudi, Madurai District, is directed to consider the representation of the petitioner, dated 23.11.2017 and to give permission and to provide police protection for "Kumbabishagam" as well as other programmes "Adal Padal" dance programme in connection with the festival in "Arulmigu Sri Sembayee Amman Thirukovil" at K.Chennampatti, Thirumangalam Taluk, Madurai District, scheduled to be held on 02.12.2017 at 06.00 p.m to 10.30 p.m., subject to the following conditions;

(a) the "Kumbabishagam" and "Adal Padal" programmes in connection with the festival in "Arulmigu Sri Sembayee Amman Thirukovil" at K.Chennampatti, Thirumangalam Taluk, Madurai District, scheduled to be held on 02.12.2017 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) 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 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 open to the 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 of any Flex Boards representing any community. The petitioner and their people are expected to co-operate with the respondent police so as to ensure smooth conduct of the festival and related programmes.

7. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police, K2 Kallikudi Police Station,
Kallikudi, Madurai District.

+1CC to M/S.Chamundi Bose, Advocate, SR.No. 89578

+1CC to the Special Government Pleader SR.No.89890

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