



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2017

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No.22511 of 2017

S.Uthayan

... Petitioner

-Vs-

The Sub- Inspector of Police,
Chinnamanur Police Station,
Theni District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 03.12.2017 passed by the respondent herein and quash the same and consequently directing the respondent to grant permission and protection to perform Dance Programme (Aadal Padal) on 13.12.2017 in the eve of "Arulmigu Kaliyamman Kovil" situated at Uthupatti, Muthalapuram, Uthamapalayam Taluk, Theni District.

For Petitioner : Mr.C.Benthanasamy

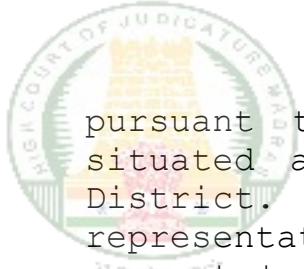
For Respondent : Mr.D.Muruganantham
Additional Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 03.12.2017 passed by the respondent herein and quash the same and consequently directing the respondent to grant permission and protection to perform Dance Programme (Aadal Padal) on 13.12.2017 in the eve of "Arulmigu Kaliyamman Kovil" situated at Uthupatti, Muthalapuram, Uthamapalayam Taluk, Theni District.

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

<https://hcservices.courts.gov.in/hcservices/>
3.The learned counsel for the petitioner submitted that the villagers jointly decided to conduct Aadal Paadal on 13.12.2017 in



pursuant to the temple festival of "Arulmigu Kaliamman Kovil" situated at Uthupatti, Muthalapuram, Uthamapalayam Taluk, Theni District. He further submitted that in this connection, a representation was given to the respondent on 03.12.2017, with a request to grant permission and protection to conduct the program on the above said dates. 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" subject to stringent conditions.

5. In the impugned order, the rejection was only on the ground that there is likelihood of law and order problem. The reason stated by the respondent for rejecting the permission cannot be sustained. Merely because the cultural events attract more people, the respondent cannot come to the conclusion that there will be likelihood of law and order problem. Hence, the impugned order passed by the respondent dated 03.12.2017 is set aside and the Writ Petition is allowed, with the following directions:

The respondent/The Sub Inspector of Police, Chinnamanur Police Station, Theni District, is directed to consider the representation of the petitioner, dated 03.12.2017 and to give permission and to provide police protection for "Aadal Paadal" in connection with temple festival of "Arulmigu Kaliamman Kovil" situated at Uthupatti, Muthalapuram, Uthamapalayam Taluk, Theni District., subject to the following conditions;

(a) the "Aadal Paadal" in connection with temple festival of "Arulmigu Kaliamman Kovil" situated at Uthupatti, Muthalapuram, Uthamapalayam Taluk, Theni 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;

(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;

(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(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Sub- Inspector of Police,
Chinnamanur Police Station,
Theni District.

+ 1 cc TO Mr.C.Benthanasamy , Advocate in SR No. 91800
+ 1 cc TO The Special Government Pleader in SR No. 91941

rmk

AE/SV MMS/SAR3/11.12.2017/3P/4C

W.P. (MD) No.22511 of 2017
08.12.2017