



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.23237 of 2017

WEB COPY

P.Thiyagarajan

... Petitioner

-Vs-

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

2.The Inspector of Police,
Meignanapuram Police Station,
Meignanapuram,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to consider petitioner's representation dated 12.12.2017 and to give permission for conducting Cultural Programme on 26.12.2017 in connection with Arulmugu Sudalai Aandavar Thirukoil, Kanthapuram, Vethakottavillai (post), Tiruchendur Taluk, Thoothukudi District based on representation dated 12.12.2017.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.R.Karthikeyan

Additional Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition to direct the respondents herein to consider petitioner's representation dated 12.12.2017 and to give permission for conducting Cultural Programme on 26.12.2017 in connection with Arulmugu Sudalai Aandavar Thirukoil, Kanthapuram, Vethakottavillai (post), Tiruchendur Taluk, Thoothukudi District based on representation dated 12.12.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Cultural Programme" on 26.12.2017 in connection with Arulmugu Sudalai Aandavar Thirukoil, Kanthapuram, Vethakottavillai (post), Tiruchendur Taluk, Thoothukudi District. He further submitted that in this connection, a representation was given to the second respondent on 12.12.2017, with a request to grant permission and protection to conduct the programme 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 submitted that this Court may grant permission for "Cultural Programme" subject to stringent conditions.

5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

The second respondent/The Inspector of Police, Meignanapuram Police Station, Meignanapuram, Thoothukudi District, is directed to consider the representation of the petitioner, dated 12.12.2017 and to give permission and to provide police protection for "Cultural Programme" in connection with Arulmugu Sudalai Aandavar Thirukoil, Kanthapuram, Vethakottavillai (post), Tiruchendur Taluk, Thoothukudi District. scheduled to be held on 26.12.2017, subject to the following conditions;

(a) the "Cultural Programme" in connection with Arulmugu Sudalai Aandavar Thirukoil, Kanthapuram, Vethakottavillai (post), Tiruchendur Taluk, Thoothukudi District. scheduled to be held on 26.12.2017 should be completed before 10.30 p.m., or as may be permitted by the respondent police.

(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 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 up any Flex Boards representing any community. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Meignanapuram Police Station,
Meignanapuram,
Thoothukudi District.

+1cc to M/S.V.Rajiv Rufus, Advocate SR.No. 93436

+1cc to Special Government Pleader, SR.No. 93732

W.P.(MD) No.23237 of 2017
18.12.2017

PSD

JM/SV MMS/SAR 3/21.12.2017/3P/5C