



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

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

W.P. (MD) No.23432 of 2017

WEB COPY

P.Sathishkumar

... Petitioner

-Vs-

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

2. The Inspector of Police,
Kadupatti Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and protection for cultural event, namely, "Adal Padal" scheduled to be held on 01.01.2018 at night in connection with "Markali Festival" in Arulmighu Sri Sithiratha Vallava Perumal Kovil, at Kovil Kuruvithurai Village, Vadipatti Taluk, Madurai District, by considering the petitioner's representation, dated 16.12.2017.

For Petitioner : Mr.S.Sivaprakash

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

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents to grant permission and protection for cultural event, namely, "Adal Padal" scheduled to be held on 01.01.2018 at night in connection with "Markali Festival" in Arulmighu Sri Sithiratha Vallava Perumal Kovil, at Kovil Kuruvithurai Village, Vadipatti Taluk, Madurai District, by considering the petitioner's representation, dated 16.12.2017.

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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Adal Padal" programme on 01.01.2018 in connection with "Markali Festival" in Arulmighu Sri Sithiratha Vallava Perumal Kovil, at Kovil Kuruvithurai Village, Vadipatti Taluk, Madurai District. He further submitted that in this connection, a representation was given to the respondents on 16.12.2017, with a request to grant permission and protection to



conduct the programme on the above said date. However, the respondents have not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. Though the learned Additional Government Pleader referred three First Information Reports that were registered in connection with the temple festival and submitted that there is no likelihood of law and order problem, the learned counsel for the petitioner states that the "Adal Padal" programme was conducted by the villagers last year and the programme was peacefully conducted without any incident or dispute.

5. Considering the fact that the "Adal Padal" programme is organized in connection with the temple festival by the whole village, the Writ Petition is disposed of with the following directions:

The second respondent/The Inspector of Police, Kadupatti Police Station, Madurai District, is directed to consider the representation of the petitioner, dated 16.12.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with "Markali Festival" in Arulmighu Sri Sithiratha Vallava Perumal Kovil, at Kovil Kuruvithurai Village, Vadipatti Taluk, Madurai District, scheduled to be held on 01.01.2018, subject to the following conditions;

*(a) the **"Adal Padal"** programme in connection with "Markali Festival" in Arulmighu Sri Sithiratha Vallava Perumal Kovil, at Kovil Kuruvithurai Village, Vadipatti Taluk, Madurai District,, scheduled to be held on **01.01.2018** should be completed before **10.30 p.m.**, or as may be permitted by the second 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. The second respondent is at liberty to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity so as to maintain law and order and communal harmony. There can be a total ban for putting up any Flex Boards representing any community. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Kadupatti Police Station,
Madurai District.

+1cc to M/S.Special Government Pleader,SR. 94322

+1cc to Mr.S.SIVAPRAKASH,Advocate,SR. 94145

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20.12.2017

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