



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.23460 of 2017

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... Petitioner

-Vs-

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

2. The Inspector of Police,  
Boothapandi Police Station,  
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to grant appropriate permission and adequate police protection to conduct the "Adal Padal" dance programme on 27.01.2018 on the eve of "Thai Thiruvizha" in Arulmighu Boothalinga Swami Sivakami Ambal Thirukovil", situated in Boothapandi Village, Thoivalai Taluk, Kanyakumari District, based on the petitioner's representation, dated 15.12.2017 within the time limit that may be stipulated by this Court.

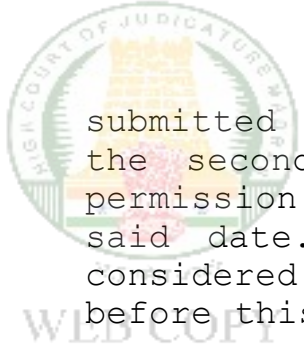
For Petitioner : Mr.M.S.Jeyakarthik  
For Respondents : Mr.D.Muruganantham,  
Additional Government Pleader.

### O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the second respondent to grant appropriate permission and adequate police protection to conduct the "Adal Padal" dance programme on 27.01.2018 on the eve of "Thai Thiruvizha" in Arulmighu Boothalinga Swami Sivakami Ambal Thirukovil", at Boothapandi Village, Thoivalai Taluk, Kanyakumari District, based on the petitioner's representation, dated 15.12.2017 within the time limit that may be stipulated by this Court.

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" dance programme on 27.01.2018 in connection with "Thai Thiruvizha" in Arulmighu Boothalinga Swami Sivakami Ambal Thirukovil", at Boothapandi Village, Thoivalai Taluk, Kanyakumari District. He further



submitted that in this connection, a representation was given to the second respondent on 15.12.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the second respondent police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents submitted that this Court may grant permission for "Adal Padal" 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, Boothapandi Police Station, Kanyakumari District, is directed to consider the representation of the petitioner, dated 15.12.2017 and to give permission and to provide police protection for "Adal Padal" dance programme in connection with "Thai Thiruvizha" in Arulmighu Boothalinga Swami Sivakami Ambal Thirukovil", at Boothapandi Village, Thovalai Taluk, Kanyakumari District, scheduled to be held on 27.01.2018, subject to the following conditions;

(a) the "Adal Padal" dance programme in connection with "Thai Thiruvizha" in Arulmighu Boothalinga Swami Sivakami Ambal Thirukovil", at Boothapandi Village, Thovalai Taluk, Kanyakumari District, scheduled to be held on 27.01.2018 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(CS-I)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,  
Boothapandi Police Station,  
Kanyakumari District.

+1cc to Special Government Pleader, SR.No. 94324

+1cc to M/S.M.S.Jeyakarthish, Advocate SR.No. 94202

W.P.(MD) No.23460 of 2017  
20.12.2017

pmu

JM/SV MMS/SAR 1/22.12.2017/3P/5C