



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.23497 of 2017

M.Arumugam

... Petitioner

-Vs-

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the rejection order of the second respondent, dated 17.12.2017 and to quash the same and consequently, direct the respondents to grant permission and protection for "Adal Padal" program in connection with "Kumbabishega Vizha" scheduled to be held on 26.01.2018, at Arulmighu Sri Kalliamman Thirukovil at S.Saluppatti Village, Kudicheri Post, Peraiyur Taluk, Madurai District, by considering the petitioner's representation, dated 17.12.2017.

For Petitioner : Mr.R.Karthick Rajan

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

ORDER

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, to call for the records pertaining to the rejection order of the second respondent, dated 17.12.2017 and to quash the same and consequently, direct the respondents to grant permission and protection for "Adal Padal" program in connection with "Kumbabishega Vizha" scheduled to be held on 26.01.2018, at Arulmighu Sri Kalliamman Thirukovil, at S.Saluppatti Village, Kudicheri Post, Peraiyur Taluk, Madurai District, by



considering the petitioner's representation, dated 17.12.2017.

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 26.01.2018 in connection with "Kumbabishega Vizha" in Arulmighu Sri Kaliyamman Thirukovil, at S.Saluppatti Village, Kudicheri Post, Peraiyur Taluk, Madurai District. He further submitted that in this connection, a representation was given to the second respondent on 17.12.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the second respondent police has rejected 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 on instructions submitted that the representation given by the petitioner was rejected on the ground that the conduct of "Adal Padal" programme is likely to cause law and order problem.

5. Considering the fact that the "Adal Padal" programme or even other programmes relating to the temple festivals are being permitted through out the State, subject to usual conditions. Denying permission to the petitioner will amount to discrimination. Hence, the impugned proceedings, dated 17.12.2017 passed by the second respondent is set aside and the Writ petition is allowed. Taking into consideration the serious objections raised by the learned Additional Government Pleader for the respondents, this Court is inclined to issue the following directions:

The second respondent/The Sub Inspector of Police, Saptur Police Station, Madurai District, is directed to consider the representation of the petitioner, dated 17.12.2017 and to give permission and to provide police protection for "Adal Padal" in connection with "Kumbabishega Vizha" in Arulmighu Sri Kaliyamman Thirukovil, at S.Saluppatti Village, Kudicheri Post, Peraiyur Taluk, Madurai District, scheduled to be held on 26.01.2018, subject to the following conditions;

*(a) the **"Adal Padal"** programme in connection with "Kumbabishega Vizha" in Arulmighu Sri Kaliyamman Thirukovil, at S.Saluppatti Village, Kudicheri Post, Peraiyur Taluk, Madurai District, scheduled to be held on **26.01.2018** 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,
Madurai District,
Madurai.



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

+1 cc TO Mr.R.Karthick Rajan , Advocate in SR No. 93917

+1 cc TO The Special Government Pleader in SR No. 94323

pmu

AE/SKN RSK/SAR4/26.12.2017/4P/5C

W.P. (MD) No.23497 of 2017
20.12.2017