



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

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

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W.P. (MD) No.23533 of 2017

Palanivelan

... Petitioner

-Vs-

The Inspector of Police,
Thathaiyankarpettai Police Station,
Trichy District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant permission and protection for "Adal Padal" programme on 16.01.2018 in connection with "Thai" festival in Arulmighu Sree Mariamman Temple, at Vadamalaipatti Village, Musiri Taluk, Trichy District, by considering the petitioner's representation dated 06.12.2017.

For Petitioner : Mr.V.Ramalingam

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

ORDER

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondent to grant permission and protection for "Adal Padal" programme on 16.01.2018 in connection with "Thai" festival in Arulmighu Sree Mariamman Temple, at Vadamalaipatti Village, Musiri Taluk, Trichy District, by considering the petitioner's representation dated 06.12.2017.

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 16.01.2018 in connection with "Thai" festival in Arulmighu Sree Mariamman Temple, at Vadamalaipatti Village, Musiri Taluk, Trichy District. He further submitted that in this connection, a representation was given to the respondent on 06.12.2017, 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.



4. The only objection raised by the learned Additional Government Pleader is that the petitioner has organized the programme in such a way that they used to put a stage encroaching the public road and thereby causing nuisance. It is a likelihood to cause nuisance.

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5. In that view of the matter, the learned counsel for the petitioner undertakes that the petitioner choose a place where they will not cause any hindrance to the public or traffic.

6. Considering the facts and circumstances of the case and also recording the undertaking given by the learned counsel for the petitioner, the Writ Petition is disposed of with the following directions:

The respondent/The Inspector of Police, Thathaiyankarpettai Police Station, Trichy District, is directed to consider the representation of the petitioner, dated 06.12.2017 and to give permission and to provide police protection for "Adal Padal" programme in connection with "Thai" festival in Arulmighu Sree Mariamman Temple, at Vadamalaipatti Village, Musiri Taluk, Trichy District, scheduled to be held on 16.01.2018, subject to the following conditions;

*(a) the "**Adal Padal**" programme in connection with "Thai" festival in Arulmighu Sree Mariamman Temple, at Vadamalaipatti Village, Musiri Taluk, Trichy District, scheduled to be held on **16.01.2018** 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.

(k) The petitioner shall not put the stage for the event either encroaching into or adjacent to any public road and that thereby causing any hindrance to traffic or to public.

7. The 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

The Inspector of Police,
Thathaiyankarpettai Police Station,
Trichy District.

+1cc to Mr.V.Ramalingam, Advocate Sr.No.93931

+1cc to Spl.Government Pleader Sr.No.94340

PMU

VB/KKR/SAR4/27/12/2017/3P/4C

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