



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

CORAM

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

W.P.(MD) No.23539 of 2017

WEB COPY

J.Antony Raj

... Petitioner

-Vs-

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent, dated 17.12.2017 and to quash the same and consequently, direct the respondents herein to grant permission and adequate police protection for conducting "Aadalum Padalum" function, at Keelanattarkulam Village, Srivaikundam, Thoothukudi District on the eve of Christmas on 25.12.2017 at Punitha Soosaiappan Church festival.

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

O R D E R

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent, dated 17.12.2017 and to quash the same and consequently, direct the respondents herein to grant permission and adequate police protection for conducting "Aadalum Padalum" function, at Keelanattarkulam Village, Srivaikundam, Thoothukudi District, on the eve of Christmas on 25.12.2017, at Punitha Soosaiappan Church festival.

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 "Adalum Padalum" programme on 25.12.2017 in connection with "Christmas" festival in Punitha Soosaiappan Church festival, at Keelanattarkulam Village, Srivaikundam, Thoothukudi District. He further submitted that in



this connection, a representation was given to the second respondent on 16.12.2017, with a request to grant permission and protection to conduct the programme on the above said date.

4. The permission for conducting "Adalum Padalum" programme was rejected by the second respondent police on the ground that the Music programme organized by the petitioner is likely to create law and order problem and that the organizers may allow the songs relating to caste and that therefore, it may create law and order problem because of communal issues. It is also stated that there may be objections even from Christians. Merely because several persons belonging to different community are residing in the village that can not be a reason unless the police has past record to show that the persons who are living in the particular village have developed issues and that there are reasons for law and order problem as the people may utilise the cultural event as an opportunity to create problem. Aggrieved by the same, the petitioner is before this Court with this Writ Petition.

5. 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 "Adalum Padalum" programme is likely to cause law and order problem.

6. Considering the facts and circumstances of the case, the impugned order passed by the second respondent, dated 17.12.2017 is set aside and the Writ petition is allowed with the following directions:

The second respondent/The Inspector of Police, Seidunganallur Police Station, Thoothukudi District, is directed to consider the representation of the petitioner, dated 16.12.2017 and to give permission and to provide police protection for "Adalum Padalum" programme in connection with "Christmas" festival at Punitha Soosaiappar Church festival, Keelanattarkulam Village, Srivaikundam, Thoothukudi District, scheduled to be held on 25.12.2017, subject to the following conditions;

(a) the "Adalum Padalum" programme in connection with "Christmas" festival at Punitha Soosaiappar Church festival, Keelanattarkulam Village, Srivaikundam, Thoothukudi District, scheduled to be held on 25.12.2017 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.

(k) the petitioner shall not permit any song which may provoke any other community and it is intended to affect the sentiments of other persons living in the village.

7. 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-II)

/True Copy/

Sub Assistant Registrar

To

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

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

+1cc to M/S.D.Selvaraj, Advocate SR.No. 93967

+1cc to Special Government Pleader, SR.No. 94342

W.P. (MD) No.23539 of 2017
20.12.2017