



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

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

W.P.(MD) No.23705 of 2017

Annamalai

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Theni District, Theni.

2.The Sub Inspector of Police,
P.C.Patti Police Station,
P.C.Patti,
Theni 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 relating to the impugned order passed by the second respondent in his proceedings in C.No.148/Mike/C1PS/TNI/2017, dated 17.02.2017 and quash the same as illegal and consequently directing the second respondent to permit the petitioner to conduct "Gramia Adal Padal Music " Programme on 30.12.2017 at 6.00 p.m., to 11.00 p.m., at Varatharaja Perumal Swamy Temple, Poothupuram, Theni District.

For Petitioner : Mr.R.Suriya Narayanan

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

O R D E R

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in his proceedings in C.No.148/Mike/C1PS/TNI/2017, dated 17.02.2017 and quash the same as illegal and consequently directing the second respondent to permit the petitioner to conduct "Gramia Adal Padal Music " Programme on 30.12.2017 at 6.00 p.m., to 11.00 p.m., at Varatharaja Perumal Swamy Temple, Poothupuram, Theni District.



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 "Gramia Adal Padal Music" programme on 30.12.2017 in connection with a festival in Varatharaja Perumal Swamy Temple, Poothupuram, Theni 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 submitted that this Court may grant permission for "Gramia Adal Padal Music" programme subject to stringent conditions.

5. 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 Sub Inspector of Police, P.C.Patti Police Station, P.C.Patti, Theni District, is directed to consider the representation of the petitioner, dated 17.12.2017 and to give permission and to provide police protection for "Gramia Adal Padal Music" programme in connection with a festival in Varatharaja Perumal Swamy Temple, Poothupuram, Theni District, scheduled to be held on 30.12.2017, subject to the following conditions;

(a) the "Gramia Adal Padal Music" programme in connection with a festival in Varatharaja Perumal Swamy Temple, Poothupuram, Theni District, scheduled to be held on 30.12.2017 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.

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 Deputy Superintendent of Police,
Theni District, Theni.

2.The Sub Inspector of Police,
P.C.Patti Police Station,
P.C.Patti, Theni District.

+1CC to Mr.R.Suriya Narayanan, Advocate, SR.No. 94238

+1CC to the Special Government Pleader SR.No.94820

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