



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.23709 of 2017

and

W.M.P. (MD) No.19915 of 2017

P.T.Muthuvel

... Petitioner

Vs.

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

2. The Sub Inspector of Police,
Veerapandi Police Station,
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, dated 13.12.2017 of the 2nd respondent and to quash the same and consequently directing the respondents to grant permission and necessary police protection (ie.,) Adal Padal Dance Programme on 28.12.2017 and 29.12.2017 at 6.00 p.m., to 11.00 p.m., in the Festival of Arulmighu Sri Gopinatha Swamy Thirukovil, at Kottur, Theni District.

For Petitioner : Mr.V.Manikandan

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

ORDER

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, to call for records relating to the impugned order passed by the second respondent, dated 13.12.2017 and to quash the same and consequently to direct the respondents to grant permission and necessary police protection (ie.,) Adal Padal Dance Programme on 28.12.2017 and 29.12.2017 at 6.00 p.m., to 11.00 p.m., in the festival of Arulmighu Sri Gopinatha Swamy Thirukovil, at Kottur, 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 "Adal Padal" Dance programme on 28.12.2017 and 29.12.2017 in connection with a festival in Arulmighu Sri Gopinatha Swamy Thirukovil, Kottur, Theni District. He further submitted that in this connection, a representation was given to the second respondent on 12.12.2017, with a request to grant permission and protection to conduct the programme on the above said dates. 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 "Adal Padal" programme subject to stringent conditions.

5. The permission was rejected only on the ground that there is a likelihood of law and order problem. Since no specific instances or any untoward incident is reported, this Court is not able to accept the impugned order passed by the second respondent herein.

6. As a result, the impugned order passed by the second respondent, dated 13.12.2017 is set aside and the Writ Petition is allowed with the following directions:

The second respondent/ The Sub Inspector of Police, Veerapandi Police Station, Theni District, is directed to consider the representation of the petitioner, dated 12.12.2017 and to give permission and to provide police protection for "Adal Padal" Dance programme in connection with a festival in Arulmighu Sri Gopinatha Swamy Thirukovil, at Kottur, Theni District, scheduled to be held on 28.12.2017 and 29.12.2017, subject to the following conditions;

*(a) the "**Adal Padal**" Dance programme in connection with a festival in Arulmighu Sri Gopinatha Swamy Thirukovil, at Kottur, Theni District, scheduled to be held on 28.12.2017 and 29.12.2017 should be completed before **10.30 p.m.**, on each day 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.

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. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.theni.gov.in/services/>
The Independent of Police,
Theni District,
Theni.



2. The Sub Inspector of Police,
Veerapandi Police Station,
Theni District.

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+1cc to Mr.V.Manikandan, Advocate Sr.No.94511
+1cc to Spl.Government Pleader Sr.No.94817

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VB/SV/MMS/SAR3/26/12/2017/4P/5C

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