



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.12.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.24134 of 2017

C.Pakkirisami

... Petitioner

-Vs-

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Idyakottai Police Station,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to direct the second respondent to grant permission to conduct Aadalum-Paadalum programme in the temple celebration at Arulmigu Sri Kaliyamman Thirukoil, Samiadi Pudur, Idayakottai, Dindigul District on 27.12.2017 between 6.00 p.m to 10.00 p.m based on the petitioner's representation to the second respondent dated 18.12.2017.

For Petitioner	: Mr.T.Selvam
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 direct the second respondent to grant permission to conduct Aadalum-Paadalum programme in the temple celebration at Arulmigu Sri Kaliyamman Thirukoil, Samiadi Pudur, Idayakottai, Dindigul District on 27.12.2017 between 6.00 p.m to 10.00 p.m based on the petitioner's representation to the second respondent dated 18.12.2017.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

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3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct Aadalum- Paadalum on 27.12.2017 at 6.00 p.m to 10.00 p.m in pursuant to the temple festival of "Arulmighu Sri Kalliamman Thirukoil" situated at Samiadi Pudur, Idayakottai, Dindigul District. He further submitted that in this connection, a representation was given to the second respondent on 18.12.2017, with a request to grant permission and protection to conduct the program on the above said dates. However, the respondent rejected the said representation, by the impugned proceeding 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 this Court may grant permission for "Aadalum- Paadalum" subject to stringent conditions.

5. In the impugned order, the rejection was only on the ground that there is likelihood of law and order problem. The reason stated by the respondent for rejecting the permission cannot be sustained. Merely because the cultural events attract more people, the respondent cannot come to the conclusion that there will be likelihood of law and order problem. Hence, the impugned order passed by the Sub-Inspector of Police, Idayakottai Police Station, Dindigul District, dated 21.12.2017 is set aside and the Writ Petition is allowed, with the following directions:

The respondent/The Inspector of Police, Idayakottai Police Station, Dindigul District, is directed to consider the representation of the petitioner, dated 18.12.2017, and to give permission and to provide police protection for "Aadalum-Paadalum" in connection with



temple festival of "Arulmighu Sri Kaliyamman Thirukoil" situated at Samiadi Pudur, Idayakottai, Dindigul District, subject to the following conditions;

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(a) the "Aadalum-Paadalum" in connection with temple festival of "Arulmighu Sri Kaliyamman Thirukoil" situated at Samiadi Pudur, Idayakottai, Dindigul District, should be completed before 10.30 p.m. or as may be directed by the respondent police.

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

(c) no songs, touching upon any political party or religion, community or caste be played;

(d) no flex boards in support of any political party or religious leader be erected;

(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) 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;

(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the

programme. and



(i) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

6. It is open to second respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting up any Flex Boards representing any community. No costs.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Dindigul District.
- 2.The Inspector of Police,
Idyakottai Police Station,
Dindigul District.

+1cc to M/S.T.SELVAM, Advocate SR.No.94731.

W.P. (MD) No.24134 of 2017
22.12.2017

trp
SDS/JC/SAR 3/26.12.2017/2P/4C