



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) No.1223 of 2018

S.Kathiresan

... Petitioner

-Vs-

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

2. The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission to conduct Aadal Padal scheduled to be held on 05.02.2018 at 07.00p.m., to 12.00p.m., in "Thiruvizha" at Arulmighu Kalamman Kovil, Kovilutru Vadakku Theru, Venkatampatti Village, Alangulam Taluk, Tirunelveli District.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

O R D E R

This petition has been filed to direct the respondents to grant permission to conduct the 'Aadal Paadal' dance program on 05.02.2018 from 07.00p.m., to 12.00p.m., during the celebration of "Thiruvizha" at Arulmighu Kalamman Kovil, Kovilutru Vadakku Theru, Venkatampatti Village, Alangulam Taluk, Tirunelveli District.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is one of the members of the vizha committee of the aforesaid temple and the festival committee members have arranged a Thiruvizha on 05.02.2018 in the above said temple. He further submitted that during the said festival, the village people decided to conduct 'Aadal Paadal' programme from 07.00p.m to 12.00p.m. and for that, the petitioner gave a representation before the second respondent on 17.01.2018. But, the Deputy Superintendent of Police, Ambasamuthiram has rejected the said



representation without assigning any reasons.

3.The learned Additional Government Pleader appearing for the respondents has submitted that the representation submitted by the petitioner was forwarded to the Deputy Superintendent of Police, Ambasamuthiram and the Deputy Superintendent of Police, Ambasamuthiram, after considering the ground reality, has passed an order, rejecting the petitioner's representation on 19.01.2018. He has also produced a copy of the said order.

4.The learned Additional Government Pleader is also relying upon a decision of the Honourable Supreme Court of India in **Church of God (Full Gospel) in India Vs. K.K.R,Majestic Colony Welfare Association and Ors. [(2000) 7 SCC 282]** and submitted that the respondents are also entitled to impose reasonable restrictions and conditions, as per the decision cited above.

5.The copy of the order passed by the Deputy Superintendent of Police, Ambasamuthiram dated 19.01.2018 is perused. In the said order, the Deputy Superintendent of Police has stated that since there are so many communities in Ambasamuthiram Sub-Division, if the aforesaid function is permitted to be conducted, that will create problem among the village people. The said reason is not acceptable. In every society, there must be a number of communities. So, merely because number of communities are there, the Deputy Superintendent of Police cannot prevent the people from celebrating the local festival. Then, he also cited a reason that if the said programme is permitted to be conducted, it would cause inconvenience to the public and also to the traffic. The said reason is also not acceptable. It is the duty of the police to regulate the traffic, at the time of celebration of temple festival.

6.The third reason cited is that during Aadal Padal Programme, if any one sing songs with regard to the particular community, that would create law and order problem. With regard to that, the Deputy Superintendent of Police can impose reasonable restrictions.

7.The fourth reason is that during Aadal Padal Programme, if any one sing obscene songs and perform obscene dance, that would also create problem. For that also he can impose reasonable restrictions. The fifth reason is that if anyone sing songs with a view to outrage the modesty of women, that would also create problem. For that also, he can impose reasonable restrictions. The sixth reason is that already an order has been passed under Section 30 (2) Police Act and the said order is in force. The Deputy Superintendent of Police has passed an order under Section 30 (2) Police Act, stating that without getting permission from him no one shall perform any function. That is why the petitioner has submitted petition before him. He has to consider the said petition and pass appropriate order.

<https://hcservices.ecourts.gov.in/hcservices/>

8. For the above said reasons, it is for the Deputy



Superintendent of Police to consider the said representation and pass appropriate order, by imposing reasonable restrictions and conditions, as per the decision of the Honourable Supreme Court of India in **Church of God (Full Gospel) in India Vs. K.K.R, Majestic Colony Welfare Association and Ors. (supra)**.

9. with the aforesaid observations, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 44052
+ 1 CC TO Mr.S.SIVAKUMAR, ADVOCATE IN SR No. 43709

DAS
TE/SKN-RSK/SAR-2 : 30/01/2018 : 3P/5C

W.P. (MD) No.1223 of 2018
23.01.2018