



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.05.2018

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THE HON'BLE **MRS. JUSTICE T.KRISHNAVALLI**

W.P.(MD)No.11242 of 2018

S.Chandran

... Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
(Land Grabbing Special Cell)/Incharge,
Periyakulam Sub Division, Periyakulam,
Theni District.

3. The Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 2nd respondent proceedings in Na.ka.No. 35 / podhu / உ.கோ.அ.பெ / 18 dated 05/05/2018 and quash the same as illegal and consequently directing the respondents herein to provide sufficient police protection during the performance of Vaigasi Festival in A/m.Sri Kalamman Thirukoil, Saruthupatti Village, Periyakulam Taluk, Theni District, Scheduled on 01/06/2018 to 03/06/2018 with cultural programme of "Adal Padal" scheduled on 02/06/2018.

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.S.Angappan
Government Advocate

O R D E R

The prayer in this writ petition is to quash the impugned order issued by the 2nd respondent proceedings in Na.ka.No. 35 / podhu / உ.கோ.அ.பெ / 18 dated 05/05/2018 as illegal and consequently directing the respondents herein to provide sufficient police protection during the performance of Vaigasi Festival in A/m.Sri Kalamman Thirukoil, Saruthupatti Village, Periyakulam Taluk, Theni District, Scheduled on 01/06/2018 to



03/06/2018 with cultural programme of "Adal Padal" scheduled on 02/06/2018.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing on behalf of the respondents.

3. In an identical matter, a Division Bench of this Court in an order passed in ***W.P. (MD) No. 8975 of 2017 dated 10.05.2017 [M. Sakthi Vs. State rep. by the Inspector of Police, Odapatti Police Station, Odapatti, Theni District]***, had granted permission to the petitioner to conduct cultural programme on certain conditions. The said conditions read as follows:

"a) The event shall be conducted in an organised and peaceful manner without causing law and order problem.

b) There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.

c) The dance performance shall be restricted between 6.00 p.m. and 11.00 p.m.

d) If there is any violation of the above said conditions, the respondent or the duly authorised officer is entitled to take necessary action as per law and stop such performance.

e) In case if there is any discrepancy with regard to the date on which the program is to be conducted, it would be open to the respondent police to extend protection on some other day after giving due notice to the petitioner"

4. I am of the view that similar conditions may also be imposed in the present writ petition. Consequently, the impugned order dated 05.05.2018 is quashed and the Writ Petition stands allowed. The third respondent is directed to grant permission to the writ petitioner to conduct the cultural programme at A/m. Sri Kaliyamman Thirukoil, Saruthupatti Village, Periyakulam Taluk, Theni District, on 02/06/2018 subject to the aforesaid conditions. There shall be no order as to costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

2. The Deputy Superintendent of Police,
(Land Grabbing Special Cell)/Incharge,
Periyakulam Sub Division, Periyakulam,
Theni District.



3. The Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.

+1cc to The Spl. Government Pleader Sr.No.66115
+1cc to Mr.K.Appadurai, Advocate Sr.No.66012

SM/MSA

VB/SKN/RSK/SAR2/28/05/2018/3P/6C

W.P. (MD) .No.11242 of 2018
23.05.2018