



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.[MD].No.24311 of 2018

WEB COPY

A.Kumaresan

: Petitioner

Vs.

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

2 .The Inspector of Police,
Kattuputhur Police Station,
Kattuputhur,
Trichy District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to give the permission and adequate police protection for conducting Adal Padal Dance programme on 13.12.2018 in the eve of Temple Maha Kumbabishegam Festival in front of Arulmigu "Sri. Pattayi Amman" temple belongs to Maruthanippalam, Aanaikalpatti, Kaduvetti Post, Thottiyam Taluk, Trichy District on the basis of the petitioner's representation dated 05.12.2018.

For petitioner : Mr.K.Arunraj

For respondents : Mr.R.Anandharaj

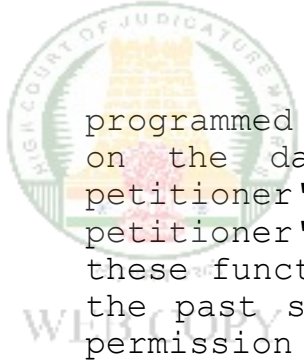
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the respondents to give the permission and adequate police protection for conducting Adal Padal Dance programme on 13.12.2018 in the eve of Temple Maha Kumbabishegam Festival in front of Arulmigu "Sri. Pattayi Amman" temple belongs to Maruthanippalam, Aanaikalpatti, Kaduvetti Post, Thottiyam Taluk, Trichy District, on the basis of the petitioner's representation dated 05.12.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The learned counsel for the petitioner would submit that the petitioner is the member of the temple Maha Kumbabishegam Committee of Arulmigu "Sri. Pattayi Amman" temple belongs to Maruthanippalam, Aanaikalpatti, Kaduvetti Post, Thottiyam Taluk, Trichy District. The villagers have scheduled to celebrate the temple Maha Kumbabishegam on 13.12.2018. Every year, on the mid of Thai Pongal festival, the cultural programme will be conducted by the villagers in front of the temple. This year, the Temple Maha Kumbabishegam is scheduled to be conducted on 13.12.2018 and the villagers have



programmed to conduct a cultural dance, viz., Adal Padal programme on the day of the temple Maha Kumbabisehgam function of the petitioner's village on 13.12.2018 night. In this regard, the petitioner's villagers had already issued pamphlets regarding all these functions. Further, the learned counsel would submit that for the past several years, the respondent police was pleased to give permission and adequate police protection to peaceful performance of the Thai Pongal festival and cultural dance programme in the petitioner's village. In this regard, the petitioner sent a representation to the respondents on 05.12.2018. Since no action has been taken, the present writ petition has been filed.

4. The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the respondents have no serious objection. He further submitted that permission may be granted subject to stringent conditions.

5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

The second respondent/The Kattuputhur Police Station, Kattuputhur, Trichy District, is directed to consider the representation of the petitioner, dated 05.12.2018 and to give permission and to provide police protection for conducting Adal Padal Dance Programme done by Arulmigu "Sri. Pattayi Amman" temple belongs to Maruthanippalam, Aanaikalpatti, Kaduvetti Post, Thottiyam Taluk, Trichy District, scheduled to be held on 13.12.2018, subject to the following conditions;

(a) Adal Padal Dance Programme done by "Sri. Pattayi Amman" temple belongs to Maruthanippalam, Aanaikalpatti, Kaduvetti Post, Thottiyam Taluk, Trichy District, scheduled to be held on 13.12.2018, should be completed before 11.00 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(c) Double meaning songs should not be played as they will spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) If there is 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 forthwith; and



(h) Similarly, the police is directed to stop the dance programme, if it is conducted beyond the permitted time limit.

(i) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.

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

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Superintendent of Police,
Trichy District,
Trichy.
- 2 .The Inspector of Police,
Kattuputhur Police Station,
Kattuputhur,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.K.Arunraj, Advocate, SR.No.99740

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