



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2019

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THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**W.P. (MD) No. 11286 of 2019**

S.S. Manian

... Petitioner

Vs.

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

2.The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in order dated 22.04.2019 and quash the same and consequently direct the respondents to give necessary police protection and permit the petitioner to conduct the Adal Padal Programme on 18.05.2019 at 7.00 p.m, to 10.30 p.m., in pursuant to the Chitirai Festival of Sri Arulmigu Madamsay Temple in Veeramanickam,, Thoothukudi District.

For Petitioner : Mr.M. Prabhu

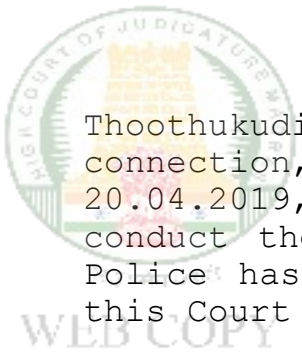
For Respondents : Mrs.S.Bharathi

Government Advocate (Crl. Side)

ORDER

This writ petition has been filed to direct the respondents to call for the records relating to the impugned order passed by the 2nd respondent in order dated 22.04.2019 and quash the same and consequently direct the respondents to give necessary police protection and permit the petitioner to conduct the Adal Padal Programme on 18.05.2019 between 7.00 p.m, and 10.30 p.m., in pursuant to the Chitirai Festival of Sri Arulmigu Madamsay Temple in Veeramanickam,, Thoothukudi District.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to perform Adal Padal Programme on 18.05.2019 between 7.00 p.m, and 10.30 p.m., in pursuant to the Chitirai Festival of Sri Arulmigu Madamsay Temple in Veeramanickam,



Thoothukudi District. He would further submit that in this connection, a representation was given to the respondents on 20.04.2019, with a request to grant permission and protection to conduct the programme on the above said date and the respondent Police has denied permission and hence, the petitioner is before this Court with this Writ Petition.

3. The learned Government Advocate (Crl. Side) appearing for the respondents would submit that the respondent police has some formal objections and admitted that no untoward incident has been report in connection with the programme during the past and this Court may grant permission for "Aadal Padal" program with stringent conditions. She would further submit that there is no adverse report against the Petitioner in conducting the " Aadal Padal Programme".

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

5. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every villages all over the state, preventing the petitioner from conducting such programme in this particular village will amount to discrimination. Hence, the impugned order dated 22.04.2019 passed by the second respondent is quashed and this Court grants permission to conduct Aadal Padal programme on 18.05.2019 between 06.00 p.m., and 10.00 p.m., and the Writ Petition is disposed of with the following directions:

The second respondent / The Inspector of Police, Kurumbur Town Police Station, Thoothukudi District, is directed to reconsider the representation of the petitioner, dated 20.04.2019 and to give permission and to provide police protection for Aadal Padal programme, in the the Chitirai Festival of Sri Arulmigu Madamsay Temple in Veeramanickam,, Thoothukudi District" scheduled to be held on 18.05.2019, subject to the following conditions:-

(a) Aadal Padal done in " Sri Arulmigu Madamsay Temple in Veeramanickam,, Thoothukudi District" scheduled to be held on 18.05.2019, should be completed before 10.00 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) No price shall be given in the name of any political party or in the name of any Member associated with any political party.

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

h) 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

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

j) 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/-

Vacation Officer

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.M.PRABU, Advocate, SR.No.65426

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