WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8781 of 2019

S.Murugan ... Petitioner

Vs.

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

2.The Inspector of Police,
Kumuli Lower Camp Police Station,
Theni District. ... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to grant permission and necessary protection to perform the cultural programme (I.e.,) Adal Padal Dance Programme on 24.04.2019 at 07.00 p.m., to 12.00 p.m., in the festival of Arulmigu Sri Muthumariyamman Thirukovil, at Indra Nagar, Umaiyathevartholuvu, Kullappakavundanpatti, Theni District.

For Petitioner : Mr.V.Manikandan
For Respondents : Mrs.S.Bharathi,
Government Advocate (Crl.Side).

ORDER

This writ petition has been filed to direct the respondents to grant permission and necessary protection to perform the cultural programme (I.e.,) Adal Padal Dance Programme on 24.04.2019 at 07.00 p.m., to 12.00 p.m., in the festival of Arulmigu Sri Muthumariyamman Thirukovil, at Indra Nagar, Umaiyathevartholuvu, Kullappakavundanpatti, Theni District.

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

3.The learned counsel for the petitioner would submit that the Villagers have conducted the temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct "Adal Padal" programme on 24.04.2019 between 07.00 p.m., to 12.00 p.m. In this regard, the petitioner gave a representation to the respondents on 02.04.2019. Since no action has been taken, the present writ petition has been filed.

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

WEB COPY

4.The learned Government Advocate (Crl. Side) 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, this Court grants permission to conduct "Adal Padal" programme on 24.04.2019 between 06.00 p.m., and 10.00 p.m., and the Writ Petition is disposed of with the following directions:

The second respondent / Inspector of Police, Kumuli Lower Camp Police Station, Theni District, is directed to consider the representation of the petitioner, dated 02.04.2019 and to give permission and to provide police protection for "Adal Padal" programme, in the festival of " Arulmigu Sri Muthumariyamman Thirukovil, at Indra Nagar, Umaiyathevartholuvu, Kullappakavundanpatti, Theni District scheduled to be held on 24.04.2019, subject to the following conditions:-

(a) "Adal Padal" done in " Arulmigu Sri Muthumariyamman Thirukovil, at Indra Nagar, Umaiyathevartholuvu, Kullappakavundanpatti, Theni District, scheduled to be held on 24.04.2019, 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) No speeches supporting or opposing any political party shall be made.

(h) The function should be conducted in the spirit of function and there will not be any bogey for political combine for the general election, 2019.

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

*(**j**) If there is violation of any one of the conditions imposed, the concerned police officer is at liberty to take*

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

WEB COPY

necessary action, as per law and stop such performance forthwith; and

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

(l) 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 (AD II)

// True Copy //

Sub Assistant Registrar(CS IV)

To

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

2.The Inspector of Police,
Kumuli Lower Camp Police Station, Theni District.

1 CC to M/s.V.MANIKANDAN, Advocate (SR-60582[F] dated 11/04/2019)

Order made in
W.P.(MD)No.8781 of 2019

DS/ /SAR- (12.04.2019) 3P 4C

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