



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.9948 of 2019

Kumaran

... Petitioner

Vs.

The Inspector of Police,
Edamalaipattipudur Police Station,
Trichy District.

... Respondent

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to direct the respondents to accord permission and gave adequate Police Protection to the cultural program to be held on 27.04.2019 at about 06.00 PM to 10.00 PM to be conducted at the Arulmighu Selvamuthu Mariamman Temple festival in Mill Colony, Malaipatti, Kallikudi (South), Ramjinagar Post, Trichy District, based on the petitioner's representation dated 22.04.2019.

For Petitioner : Mr.K.Sivabalan

For Respondents : Mrs.S.Bharathi

Government Advocate(Criminal Side)

ORDER

This writ petition has been filed to grant permission and protection for conducting cultural program to be held on 27.04.2019 at about 06.00 PM to 10.00 PM at the Arulmighu Selvamuthu Mariamman Temple festival in Mill Colony, Malaipatti, Kallikudi (South), Ramjinagar Post, Trichy District, based on the petitioner's representation dated 22.04.2019.

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

3. The learned counsel appearing 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 cultural program', to be held on 27.04.2019 at about 06.00 PM to 10.00 PM at the Arulmighu Selvamuthu Mariamman Temple festival in Mill Colony, Malaipatti, Kallikudi (South), Ramjinagar Post, Trichy District,. In this regard, the petitioner gave representation to the respondent on 22.04.2019. Since no action has been taken, the present writ petition has been filed.



4. The learned Government Advocate (Crl. Side) appearing for the respondents, on instructions, would submit that the respondent has no serious objection. She 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 the cultural program scheduled to be held on 27.04.2019 at about 06.00 PM to 10.00 PM at the Arulmighu Selvamuthu Mariamman Temple festival in Mill Colony, Malaipatti, Kallikudi (South), Ramjinagar Post, Trichy District, and the Writ Petition is disposed of with the following directions:

The respondent / Inspector of Police, Edamalaipattiputhur Police Station, Trichy District, is directed to consider the representation of the petitioner, dated 22.04.2019 and to give permission and to provide police protection for the cultural program, scheduled to be held on 27.04.2019, before 12.00 p.m., at the Arulmighu Selvamuthu Mariamman Temple festival in Mill Colony, Malaipatti, Kallikudi (South), Ramjinagar Post, Trichy District, subject to the following conditions:-

(a) programme i.e., cultural program, done in Arulmighu Selvamuthu Mariamman Temple festival in Mill Colony, Malaipatti, Kallikudi (South), Ramjinagar Post, Trichy District, scheduled to be held on 27.04.2019, 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.

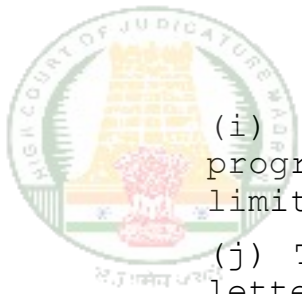
(d) No dance or songs, touching upon any political party or religion or community or caste shall be played.

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

(f) No donation shall be received from 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 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 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. This Court has made it clear that permission is given for conducting the traditional folk dance only and no permission shall be given for conducting the dance program popularly known as "Aadal Padal". No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Inspector of Police,
Edamalaipattipudur Police Station,
Trichy District.

+1cc to Mr.K.Sivabalan,Advocate, SR.No.62644

W.P. (MD)No.9948 of 2019

SP/27.04.2019/3P/3C