



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.02.2020

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THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

WP. (MD) No. 3085 of 2020

R. Pitchairaj

... Petitioner

Vs.

1. The Superintendent of Police,
Tuticorin District.

2. The Inspector of Police,
Seithunganallur Police Station,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in C.No.30/Mike/S2Circle/TUT/2020, dated 11.02.2020 and quash the same and consequently direct the respondents to grant permission to perform the cultural program of "Adal Padal" on 19.02.2020 night at Arulmigu Angalaparameswari Temple is situated at Karunkulam, Tuticorin District and to provide adequate police protection based on the petitioner's representation, dated 09.02.2020.

For Petitioner : Mr.M.Murugesan

For Respondents : Mrs.S.Bharathi
Government Advocate (Crl. side)

O R D E R

This writ petition has been filed to quash the proceedings in C.No.30/Mike/S2Circle/TUT/2020, dated 11.02.2020, issued by the second respondent and direct the respondents to grant permission to perform the cultural program of "Adal Padal" on 19.02.2020 night at Arulmigu Angalaparameswari Temple is situated at Karunkulam, Tuticorin District and to provide adequate police protection, based on the petitioner's representation, dated 09.02.2020.



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

3. The learned Government Advocate (Crl. Side) appearing for the respondents submits that the police does not have any reservations on the place, where the function is to be conducted. However, there is an apprehension that some law and order problem may arise during the festival. She would also submit that the Director General of Police, in his proceedings in Rc.No.007301/Genl.I(1)/2019, dated 09.04.2019 has issued circular to Commissioner of Police, Superintendent of Police and all the Station Housing Officer and directed them to follow the procedure and instruct the petitioner seeking permission to conduct cultural programs to comply with the conditions and permission may be granted subject to the petitioner agreeing to comply with the said conditions by filing necessary undertaking before the respondent police.

4. Taking into consideration the submissions of the learned counsel on either side, the impugned order, dated 11.02.2020 is quashed and the respondents police are directed to grant permission for conducting the cultural programme (ie.,) Adal Padal Dance Programme on 19.02.2020 at 7.00 pm to 11.00pm, by enclosing the following conditions:

(a) The Aadal Padal programme in connection with festival or any cultural programme, SHO should specify the time and the same shall not be later than 11.00 p.m

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

(c) no songs, touching upon any political party or religion, community or caste be played;

(d) Organizers shall not erect any digital banners/pla cards on either side of the arterial roads, platforms, walkways/major roads and any other roads

(e) the function should not affect caste, religious or communal harmony and shall be conducted without any discrimination

(f) if there is any 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;

(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme;



(i) if any untoward incident takes place, the organizers of the programme be made responsible for the same;

(j) the authority concerned shall videograph the entire programme at the cost of the applicant and submit the CD to the S.P concerned;

(k) Organizers shall have to obtain all other required permission from the authorities concerned;

(l) Any other conditions as the authority concerned consider to impose according to the ground reality".

5. The petitioner is also directed to ensure that the conditions are strictly complied with and also to ensure that no law and order problem is created in the course of conducting the programme.

6. The writ petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1. The Superintendent of Police,
Tuticorin District.

2. The Inspector of Police,
Seithunganallur Police Station,
Tuticorin District.

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

+1 CC to M/s.M.MURUGESAN, Advocate (SR-6718[F] dated 17/02/2020)

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