



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P. (MD) No.3788 of 2020

M. Vijayakumar

... Petitioner

Vs.

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

2. The Sub-Inspector of Police
Jambunathauram Police Station
Trichy District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to give police permission and adequate police protection to the Cultural Program viz., Adal Padal festival Scheduled on 24.02.2020 at about 7.00pm to 10.00 pm by Sri Ankala Parameswari Amman Thirukovil Festival Committee at Kannanur, Thuraiyur Taluk, Trichy District by considering the petitioner's representation, dated 20.02.2020.

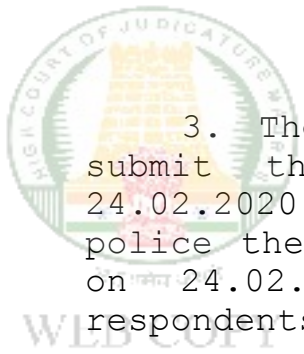
For Petitioner : Mr.M. Karunanithi

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

ORDER

This writ petition has been filed seeking direction to the respondents to give police permission and adequate police protection to the Cultural Program viz., Adal Padal festival Scheduled on 24.2.2020 at about 7.00pm to 10.00pm by Sri Ankala Parameswari Amman Thirukovil Festival Committee at Kannanur, Thuraiyur Taluk, Trichy District by considering the petitioner's representation, dated 20.02.2020.

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



3. The learned counsel appearing for the petitioner would submit that the petitioner had sought for permission on 24.02.2020. Since permission was not granted by the respondent police they were unable to conduct the festival yesterday, i.e., on 24.02.2020, thereby, he would seeks direction to the respondents to grant permission today i.e., on 25.02.2020.

4. 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 tournament. 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.

5. The respondents police are directed to grant permission for conducting the Adal Padal Programme on 25.02.2020 at 6.00 PM to 10.00 P.M., by enclosing the following conditions:

(a) The Aadal Paadal programme in connection with festival or any cultural programme, SHO should specify the time and the same shall not be later than 10.00 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".

6. 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.

7. The writ petition stands disposed of with the above directions. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ksa

To

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

2. The Sub-Inspector of Police
Jambunathauram Police Station Trichy District.

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

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-8220[F] dated 25/02/2020

W.P. (MD) No. 3788 of 2020

25.02.2020

SCR(CO)

TR(25.02.2020)3P 5C