



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2020

CORAM

WEB COPY

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

W.P. (MD) No.4003 of 2020

Pa.Po.Paramasivanpillai

... Petitioner

Vs.

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

2.The Inspector of Police,
Thottiyam Police Station,
Trichy District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, by directing the respondents to grant permission to perform the program of 'Adal Padal' on 01.03.2020 night at about 06.00 p.m to 11.00 p.m., at Balasamuthiram Sri Pagavathiyamman Temple Festival Balasamuthiram Post, Thottiyam-Taluk, Trichy District and to provide adequate police protection based on petitioner's representation dated 19.02.2020.

For Petitioner : M/s.S.Bharathi

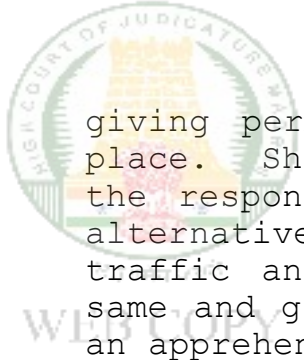
For Respondents : Mrs.S.Bharathi
Government Advocate (Crl.Side)

ORDER

This writ petition has been filed directing the respondents to grant permission to perform the program of 'Adal Padal' on 01.03.2020 night at about 06.00 p.m to 11.00 p.m., at Balasamuthiram Sri Pagavathiyamman Temple Festival Balasamuthiram Post, Thottiyam-Taluk, Trichy District and to provide adequate police protection based on petitioner's representation dated 19.02.2020.

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

3.When the matter is taken up today, the learned Government Advocate(Crl.side) would submit that the place where the permission is sought for conducting the programme is a Thottiyam to Kattuputhur main road and there by the respondent police have reservation in



giving permission for the programme to be conducted in the said place. She would further submit that if the petitioner approaches the respondent seeking permission to conduct the programme in an alternative location where no disturbance will be caused to the traffic and the public, the respondent police shall consider the same and grant permission. She would further submit that there is an apprehension that some law and order problem may arise during the programme. 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. In view of the above submission, the petitioner is directed to file fresh application before the respondent police by changing the location of the programme and also file an undertaking affidavit stating that the petitioner and other participants of the programme will abide by the conditions imposed by the respondent police.

5. On receipt of such application, the respondent police after being satisfied with the alternate location is directed to grant permission for conducting the cultural programme (ie.,) Adal Padal programme on 01.03.2020 at about 06.00 p.m to 11 p.m., by enclosing the following conditions:

(a) The 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) where loudspeakers or public address or any other noise source is being used, the noise level shall not exceed 10dB(A) above the ambient noise standards for the area or 75 dB(A) whichever is lower. No one shall beat drum or tom-tom or blow a trumpet or beat or sound any instrument and use any sound amplifier at night between 10.00 p.m to 6.00 p.m.

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

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

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

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

(g) 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;

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

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

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

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

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

(m) 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. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

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

2. The Inspector of Police,
Thottiyam Police Station, Trichy District.

+1 CC to M/s.S.BHARATHI, Advocate (SR-8950[F] dated 27/02/2020)

W.P. (MD) No.4003 of 2020
27.02.2020

TR(27.02.2020) 3P 4C

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