



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.Nos.3024 & 3027 of 2022

S. Umapathy ... Petitioner in W.P.No.3024 of 2022

A.Govindaraj ... Petitioner in W.P.No.3027 of 2022

Vs.

The Inspector of Police,
Elachipalayam Police Station,
Elachipalayam,
Namakkal District. ... Respondent in W.P.No.3024 of 2022

The Inspector of Police,
Mallur Police Station,
Mallur,
Salem District. ... Respondent in W.P.No.3027 of 2022

PRAYER in W.P.No.3024 of 2022: Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of writ, directing the respondent authority to give permission and police protection to conduct Cultural programme (Adal Padal Nigalchi) in the event of Vaiyappamalai Village Arulmigu Sree Subramaniya Swamy Temple Festival at Tiruchengode Taluk, Namakkal District on 18.03.2022 between 6.00 PM to 11.00 PM by considering the petitioner's representation dated 05.02.2022.

PRAYER in W.P.No.3027 of 2022: Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of writ, directing the respondent authority to give permission and police protection to conduct Cultural programme (Adal Padal Nigalchi) in the event of Nilavarapatti Village Arulmigu Sree Maha Bhadrar Kaliamman Temple Festival at Salem Taluk & District on 27.02.2022 between 6.00 PM to 11.00 PM by considering the petitioner's representation dated 07.02.2022.

For Petitioners in both W.P.'s: Mr.C.Nandhakumar

For Respondent in both W.P.'s : Mr.A.Gokulakrishnan
Additional Public Prosecutor



COMMON ORDER

The Writ Petition in W.P.No.3024 of 2022 has been filed to direct the respondent to permit the petitioner to conduct Cultural programme (Adal Padal Nigalchi) in the event of Vaiyappamalai Village Arulmigu Sree Subramaniya Swamy Temple Festival at Tiruchengode Taluk, Namakkal District on 18.03.2022 between 6.00 pm. to 11.00 pm. by considering the petitioner's representation dated 05.02.2022.

2. The Writ Petition in W.P.No.3027 of 2022 has been filed to direct the respondent to permit the petitioner to conduct Cultural programme (Adal Padal Nigalchi) in the event of Nilavarapatti Village Arulmigu Sree Maha Bhatra Kaliyamman Temple Festival at Salem Taluk & District on 27.02.2022 between 6.00 pm. to 11.00 pm. by considering the petitioner's representation dated 07.02.2022.

3. Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

4. The learned Additional Public Prosecutor appearing for the respondents submits that the police do 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. He 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 the Commissioner of Police, Superintendent of Police and all the Station Housing Officer, directing them to follow the procedure and instruct the petitioners seeking permission to conduct cultural programmes to comply with the conditions and permission may be granted subject to the petitioners agreeing to comply with the said conditions by filing necessary undertaking before the respondent police towards charges.

5. The respective respondent police are directed to grant permission for conducting the cultural programme (ie.,) Adal Padal Dance Programme as sought by the respective petitioners, with 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;



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(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 petitioners are 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. Further the respective petitioners are directed to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each to the respondent police concerned towards charges.

7. The Writ Petitions stand disposed of with the above directions. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ham/rgi



To

1. The Inspector of Police,
Elachipalayam Police Station,
Elachipalayam,
Namakkal District.

2. The Inspector of Police,
Mallur Police Station,
Mallur,
Salem District.

3. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.C.Nandha Kumar, Advocate Sr.No.10683(02/03/2022)

W.P.Nos.3024 & 3027 of 2022

NRJK(CO)
SB(21/02/2022)