



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.5843 of 2022

S.Ragu,
S/o.Sathiyamoorthy

...Petitioner

Vs.

The Inspector of Police,
Viruthambattu Police Station,
Katpadi, Vellore District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, prayed for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the respondent dated nil and to quash the same and consequently direct the respondent to grant permission to the petitioner to conduct the dance programme which is scheduled to be held on 12.03.2022 at Mayanakollai festival, situated at Viruthambattu Village, Katpadi Taluk, Vellore District.

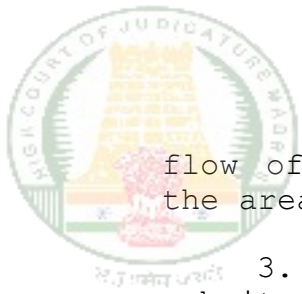
For Petitioner : Mr.Arun Anbumani
for M.Balaji

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issuance of a Writ of certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent dated nil and to quash the same and consequently direct the respondent to grant permission to the petitioner to conduct the dance programme which is scheduled to be held on 12.03.2022 at Viruthambattu Village Mayanakollai Festival.

2. When the matter is taken up for hearing, learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had intended to conduct the cultural programme at Periyar Thidal which is abutting the road and he would further submit that there are several residents near that area. The respondent, taking into consideration, the prohibitory orders during this pandemic and also taking into consideration that the cultural programme will affect the free



flow of traffic and would create nuisance to the residents in the area has rejected the application.

3. The learned counsel appearing for the petitioner would submit that the petitioner has now decided to shift the venue and to conduct the cultural programme at the playground belonging to the Angalamman Temple, which would in no way cause disturbance to free flow of traffic and that the petitioner also undertakes that he will close the programme by 10.00 pm, so that, it will not cause any nuisance to the residents in the area.

4. The learned counsel for the petitioner would submit that this is an auspicious season and the petitioner is to celebrate the festival and he would further submit that the organizers will conduct the cultural programme in such a manner that it would not cause disturbance to any persons around that area.

5. The learned Additional Public Prosecutor appearing for the respondent submits that the police does not have any reservations in the petitioner conducting the cultural programme in an alternate venue/playground without causing hindrance to anybody and to free flow of traffic following the covid protocol. 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 Commissioner of Police, Superintendent of Police and all the Station Housing Officers 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.

6. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

7. Taking note of the submissions made by both the counsels, the impugned order dated 10.03.2022 is set aside. Meanwhile, the petitioner is directed to give a fresh representation indicating the place where he intends to conduct the cultural programme till 10.00 pm.

8. On such fresh representation being made, the respondent shall grant permission for conducting the cultural programme on 12.03.2022 till 10.00 pm 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.



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(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".

9. 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. Further the petitioner is directed to pay a sum of Rs.15,000/- to the respondent police for providing bondobust.

10. The Writ Petition stands disposed of with the above directions. However, there shall be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1.The Inspector of Police,
Viruthambattu Police Station,
Katpadi, Vellore District.

2.The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.M. Balaji, Advocate sr 16780.

W.P.No.5843 of 2022

SP(11/03/2022)