



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2022

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.13360 OF 2022

A.Sevagan

... Petitioner

.Vs.

The State Rep. by
The Inspector of Police,
Ayilpatty Police Station,
Namakkal District.

... Respondent

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus or any other in the nature of writ, directing the respondent authority to give permission to conduct cultural programme (Adal Padal Nigalchi) in the event of Sri Kaliyamman, Sri Magamariyamman Festival at Ayilpatty, Rasipuram Taluk, Namakkal District on 03.06.2022 between 6.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 23.05.2022.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate
(Criminal Side)

O R D E R

This petition is filed by the petitioner for direction to the respondent authority to grant permission and police protection to conduct cultural programme at Sri Kaliyamman, Sri Magamariyamman Festival at Ayilpatty, Rasipuram Taluk, Namakkal District, on 27.05.2022.

2. The learned Government Advocate (Crl. side) appearing for the respondent police produced an order dated Nil passed by the respondent, whereby the respondent has already rejected the request of the petitioner on the ground that there is likely law



and order problem in the event of grant of permission and also apprehension of spreading Covid-19 pandemic.

3. Upon perusal of the prayer made by the petitioner and the impugned order, since the covid-19 situation is improved and also the permission are granted similar functions, I am inclined to allow this petition and the respondent police is directed to grant permission for conducting the cultural programme (ie.,) Adal Padal Dance Programme as sought by the petitioner, 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;

(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 intoxicating 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



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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.

(m) since the respondent has apprehended law and order problem, even though permission is granted, once there is any sign of law and order problem or if any law and order situation commences, immediately the respondent will be at liberty to stop the programme forthwith and disperse the public and avoid any untoward incident.

4. 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.10,000/- (Rupees Ten Thousand only) to the respondent police towards bundobust charges.

5. Accordingly, this Writ Petition stands disposed of with the above directions. There shall be no order as to costs.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

rts

To

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

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.31766

W.P.NO.13360 OF 2022

RB(CO)
PBS/31/05/2022