



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2018

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD)No.16533 of 2018

P.MaduraiVeeran

... Petitioner

Vs.

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

2.The Inspector of Police,  
Pattiveeranpatti Police Station,  
Dindigul District.

...Respondents

Writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents to grant permission and necessary police protection to perform the cultural programme (ie.,) Adal Padal Dance Programme on 03.08.2018 at 07.00 p.m., to 11.00 p.m., in the festival of Arulmighu Sri MaduraiVeeran Thirukovil at Ayyankottai, Aathur Taluk, Dindigul District.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr.P.Kannidevan

Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to grant permission and necessary police protection to perform the cultural programme (ie.,) Adal Padal Dance Programme on 03.08.2018 at 07.00 p.m., to 11.00 p.m., in the festival of Arulmighu Sri MaduraiVeeran Thirukovil at Ayyankottai, Aathur Taluk, Dindigul District.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every village all over the state, preventing the petitioner from conducting such programme in this particular village will amount to discrimination.

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4. The learned counsel appearing for the petitioner submitted that this Court, by the order dated 24.07.2017, in WP(MD) No.13517 of 2017, passed an order, directing the respondent therein to consider the representation of the petitioner, subject to certain conditions and any other reasonable restrictions that may be imposed by the respondent in the interest of public and to preserve the law and order. The conditions imposed in the said order reads as follows:

(a) the "Adal Padal" programme in connection with a festival should be completed before 10.30 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) no flex boards in support of any political party or religious leader be erected;

(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(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; and

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

5. The learned Additional Government Pleader appearing for the respondents submitted that in the light of the aforesaid order passed by this Court in WP(MD) No.13517 of 2017 dated 24.07.2017 and also in the light of the decision rendered by the Hon'ble Supreme Court in (2001) 1 L.W. (Crl.) 233 [Church of God (Full Gospel) in India Vs. K.K.R. Majestic Colony Welfare Association and others], appropriate orders will be passed on the representation of the petitioner.

6. The relevant portion of the decision rendered by the Court in Church of God (Full gospel) in India Vs. K.K.R. Majestic Colony Welfare Association and others, reported in 2001 1 L.W. (Crl.) 233 reads as follows:



8. In addition to the above conditions imposed in WP(MD) No.13517 of 2017, in the event of granting permission by the second respondent, the member or the petitioner has to give undertaking or assurance before the authority concerned that there will not be any obscenity or vulgarity in the cultural programme and there will not be any disturbance to the public peace and tranquillity. Further, the second respondent / Inspector of Police, Pattiveeranpatti Police Station, Dindigul District, is directed to videograph the entire cultural programme, at the cost of the petitioner and submit the CD to the Superintendent of Police, Dindigul District. If any violation of the above said condition by any of the parties is noted, the respondents are at liberty to take appropriate criminal action against the organiser and the concerned persons in accordance with law.



9. With the above direction, this writ petition is disposed of.  
No costs.

/True copy/

Sd/  
Assistant Registrar (AE)

Sub Assistant Registrar

To

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

2. The Inspector of Police,  
Pattiveeranpatti Police Station,  
Dindigul District.

+1cc to Mr.V.Manikandan, Advocate, SR.No.75866

+1cc to M/s.Special Government Pleader, SR.No.76072

W.P. (MD) No.16533 of 2018  
31.07.2018

RMI

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