



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.05.2019

CORAM:

**THE HONOURABLE MR.JUSTICE R.PONGIAPPAN**

**WP (MD) No.12302 of 2019**

A.Varadharajan

... Petitioner

Vs.

The Sub Inspector of Police,  
Masarpatti Police Station,  
Thoothukudi District.

... Respondent

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the respondent dated 15.05.2019, quash the same as illegal and consequently direct the respondent to grant permission to conduct Adal Padal Programme in the Pudhuamman and Kaliyamman temples situated in Ayanvadamalapuram Village, Ettayapuram Taluk, Thoothukudi District based on the petitioner's representation dated 15.05.2019.

For Petitioner : Mr.A.Jayaramachandran

For Respondent : Mr.K.Suyambulinga Bharathi  
Government Advocate (Crl.side)

### **O R D E R**

The petitioner has come forward with this Writ Petition seeking a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the respondent dated 15.05.2019, quash the same as illegal and consequently direct the respondent to grant permission to conduct Adal Padal Programme on 30.05.2019 from 8.00 p.m. to 10.00 p.m. in the Pudhuamman and Kaliyamman temples situated in Ayanvadamalapuram Village, Ettayapuram Taluk, Thoothukudi District based on the petitioner's representation dated 15.05.2019.

2.Heard Mr.A.Jayaramachandran, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl.side) appearing for the respondent.

3.The learned Counsel for the petitioner submitted that this Court in similar such circumstances, has granted the relief by imposing certain conditions and the petitioner is also ready to comply with the conditions as stipulated by this Court.



4.The learned Government Advocate (Crl.side) appearing for the State vehemently opposes the submission made by the learned Counsel for the petitioner that such programmes are conducted with obscenity and it is very difficult to control the same, once the permission is granted. He also opposes the grant of permission that by projecting political leaders in the posters and in the programmes, law and order problem arises in the village. The learned Government Advocate (Crl.side) further submitted that though the permission is granted with certain conditions, the conditions are not scrupulously followed. It is very difficult to enforce the conditions with the available limited force. He also placed reliance in the decision of the Hon'ble Supreme 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.**

5.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 alone from conducting such programme would amount to discrimination.

6.Considering the objections of the learned Government Advocate (Crl.side) that in most of the cases, the conditions are not followed scrupulously and it is very difficult to prevent the violation with the limited available force, the respondent Police are directed to consider the representation of the petitioner and grant permission to the petitioner for conducting adal padal programme, provided if the petitioner submits the undertaking affidavit.

7.The petitioner shall file an undertaking affidavit before the respondent Police with the following undertaking:

" 1.நாங்கள் நடத்தவுள்ள ஆடல் பாடல் நிகழ்ச்சியில் பங்கேற்கும் கலைஞர்கள் அரைகுறை ஆடைகளையோ அல்லது ஆபாச நடன அசைவுகளையோ பயன்படுத்தமாட்டார்கள்.

2.இரட்டை அர்த்த பாடல்களோ அல்லது வசனங்களோ அல்லது சாதி மதம் தொடர்பான வசனங்களோ இடம்பெறாது.

3.விளம்பர பலகைகள் மற்றும் சுவரொட்டிகள் பயன்படுத்தப்படாது.

4.மேலும், நிகழ்ச்சி மாலை 7 மணி முதல் 10 மணிக்குள் நடத்தி முடிக்கப்படும்.

5.சட்டம் ஒழுங்கு சம்மந்தமாக, காவல்துறையினர் விதிக்கும் நிபந்தனைகளை பின்பற்றி மேற்படி நிகழ்ச்சி நடைபெறும்.

6.நிகழ்ச்சி தொடர்பாக விதிக்கப்படும் நிபந்தனைகளை பின்பற்ற தவறும்பட்சத்தில், நீதிமன்றத்தால் விதிக்கப்படும் தண்டனைகளை ஏற்றுக்கொள்கிறோம்."

8.The respondent Police shall also impose such other conditions, which are necessary to maintain law and order.

9.The organisers shall videograph the entire programme and submit a copy of the same to the respondent Police as well as to the learned Government Advocate (Crl.side). In case of any violation of any of the conditions, the petitioner and the organisers will be held responsible.



10. The respondent Police shall also ensure that the undertaking given by the petitioner and the conditions imposed by the police are followed scrupulously by the petitioner and the organisers.

11. In the event of any violation is reported before this Court and if no proper action has been taken by the Police, Contempt Proceedings would be initiated as against the petitioner and the organisers as well as the respondent Police.

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

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

vsd/vs

To

1. The Sub Inspector of Police,  
Masarpatti Police Station,  
Thoothukudi District.

2. The Govt. Advocate,  
Madurai Bench of Madras High Court, Madurai.

**WP (MD) No. 12302 of 2019**  
**30.05.2019**

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TR (30.05.2019) 3P 3C