



W.P.(MD) No.6870 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.6870 of 2023

A.Kathiresan

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar.

2.The Superintendent of Police,
Virudhunagar District.

3.The Assistant Commissioner,
HR and CE Department,
Virudhunagar.

4.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar.

5.C.Velusamy

6.Mani

7.Marnadu

.. Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the third respondent to conduct the temple festival under the direct supervision of the competent official of the Hindu Religious and Charitable Endowments Department to ensure that no such obscene and vulgar songs and dances under the guise of cultural event based on the petitioner's representation dated 14.03.2023.

For Petitioner	:	Mr.P.Ganapathi Subramanian
For RR1, 2 & 4	:	Mr.T.Amjadkhan Government Advocate
For R3	:	Mr.P.Subbaraj Special Government Pleader
For RR5 & 6	:	Mr.C.Godwin

ORDER

This writ petition, which is filed for the issue of a Writ of Mandamus, directing the third respondent to conduct the temple festival under the direct supervision of the competent official of the Hindu Religious and Charitable Endowments Department to ensure that no such obscene and vulgar songs and dances under the guise of cultural event



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based on the petitioner's representation dated 14.03.2023, is like a river changing its course.

2. When the matter had come up on 29.03.2023, at the time of admission, the following order has been passed:

“4. It is informed that the festival is to commence from 30.03.2023.

5. The police authorities shall ensure that no vulgar or obscene songs and dances would be performed during the festival.

6. Mr.M.Thirunavukkarasu, and Mr.C.Godwin, learned counsel appearing for the persons conducting the festival, would assure the Court that there is no intention to have such songs or dances.

7. The second respondent shall file a report about the conduct of the festival by 10.04.2023.

8. Post the matter on 10.04.2023.”

3. Subsequently, when the matter came up on 10.04.2023, it was posted on 17.04.2023 and thereafter, adjourned to 09.06.2023. On 09.06.2023, this Court was served with a report of the Superintendent of



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Police, Virudhunagar, wherein it was stated that the Adal Padal program was conducted without any dispute and no vulgar and obscene dances were performed. However, to the shock of the Court, the petitioner had produced copies of the photographs which, on the face of it, showed that the report, which is submitted before this Court, was false and totally misleading. It was also informed to the Court that the entire program had been video-graphed and therefore, the Inspector of Police, Kariyapatti and the Sub Inspector of Police, All Women Police Station, were directed to be present before this Court with all the documents to substantiate the status report filed on 10.04.2023. The matter was adjourned to 12.06.2023. On 12.06.2023, the photographs taken by the police themselves were produced for the scrutiny of this Court and a mere look on these photographs clearly showed that the police had filed a false report before this Court. On the said date, the Superintendent of Police was also present, since the report was signed by him and it was clear that he had signed the document without even confirming the ground reality. This Court had therefore directed the Superintendent of Police to take



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action against the members of the Temple Committee, who had allowed the obscenity to take place in the temple premises as per the circulars issued by the Director General of Police, Chennai in Rc.007301/Genl I (1)/2019, dated 09.04.2019 and Rc.No.159539/Crime.4(3)/2018, dated 31.10.2018 and the order of the Division Bench of this Court in the case of ***C.Sathasivam Vs. The Superintendent of Police, Trichy District and another, in W.P.(MD) No.12535 of 2023, dated 24.05.2023*** and report to this Court on 20.06.2023, wherein conditions for conducting musical and dance program have been explicated.

4. The matter was directed to be listed on 20.06.2023 'for reporting compliance'. Despite depiction of women in an obscene manner during this function and making a mockery of the entire judicial process, the police official had filed an FIR for offences only under Sections 147 and 294(a) IPC. There was absolutely no reference to the offences that had been made out under the Tamil Nadu Prohibition of Harassment of Woman Act, 1998 and Indecent Representation of Women (Prohibition)



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Act, 1986. This omission was so glaring particularly when a lady Police Officer was present during the entire function and it was also brought to the notice of this Court that this lady officer was present in a similar function conducted by another Temple. This Court had therefore, directed the respondent-police to also file an FIR framing charges under the above said two Acts and the matter had come up today and there has been a compliance of the order of this Court. However, this Court is pained by the falling standards in society which have solely crept into the temple precincts, a place which is held in reverence by the devotees. This holy place has now been reduced into a place where in the guise of a temple festival, a dance program *akin* to a cabaret is being performed for which the sentinels of law and order stand guard. Therefore, this Writ Petition is disposed of with the following directions:

(i) The organisers shall, if they intend to have such a song and dance program, give a complete detail of the songs and the dances together with the names of the programmers well in advance to the jurisdictional police station;



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(ii) The Inspector of Police shall there upon, peruse the program schedule and ensure that it is in keeping with the standards as set out in the order dated 24.05.2023 in W.P.(MD) No.12535 of 2023 of the Division Bench;

(iii) The police shall also get an undertaking in writing from the organisers of the festival that none of the guidelines given in the order of the Division Bench as also the DIG's circular would be violated and in case of such violation, they would be held personally responsible. The program schedule shall be given a month in advance to the Inspector of Police of the jurisdictional police station; and

(iv) In case, such an application is not received prior to a month and is received later, the same shall not be permitted to be conducted.

No costs.

23.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

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P.T.ASHA, J.

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