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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.11839 of 2024

G.Murugan ... Petitioner

Vs.

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

2.The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.

3.The Assistant Returning Officer,
Virudhunagar District. ...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 31.05.2024 on the file of the second respondent and quash the same as illegal and consequently to direct the respondents to grant permission and protection to conduct the cultural program (Adal Padal) on 09.06.2024 in the event of Pongal Vizha of Arulmighu Sri Ammachiyar Amman and Pemalayamman Temple at Mamsampuram, Srivilliputhur Taluk, Virudhunagar District without causing any disturbance to public order.

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For Petitioner : Mr.P.Pratheesh
For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The petitioner is the President of the festival committee for conducting festival at Arulmighu Sri Ammachiyar Amman and Pemalayamman Temple at Mamsampuram, Srivilliputhur Taluk, Virudhunagar District. As a part of the temple festival they are intending to conduct adal padal programme for which, permission was denied by the respondent Police by the order impugned in this writ petition on the ground of law and order issue. Challenging the same this writ petition is filed.

2.The learned Counsel for the petitioner submits that this Court has granted permission for adal padal programme and he has relied on several judgments including a Division Bench Judgment and prayed for setting aside the impugned order with a direction to the respondent police to grant permission to conduct adal padal programme during the temple festival. They are ready to conduct the programmes with the conditions to be imposed by the Court.

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3.The learned Additional Public Prosecutor has raised serious objections that this adal padal programmes are conducted with obscenity and it promotes vulgarity. Therefore disputes arise among the organisers, villagers and the public leading to registration of several criminal cases. Several such incidents had occurred during such adal padal programmes. The learned Additional Public Prosecutor further submits that though the permission is granted with certain conditions, the conditions are not scrupulously followed. Therefore, it is very difficult to implement the conditions with the available limited force. He pointed out that except permission for adal padal programme, they have granted permission for temple festival and also for police protection. Therefore apprehending law and order issue, the respondent police has denied permission for adal padal programme.

4.This Court considered the rival submissions made.

5.The adal padal programmes now became common in almost all the temple festivals and it appears to be a cultural development in this State. By playing film music, the men and women dance in the stage in

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colourful attire. The learned Additional Public Prosecutor on instructions submits that most of these songs played during this programme are in double meaning with obscene words and induces vulgarity and sexuality. Such objections of the learned Additional Public Prosecutor cannot be denied in toto.

6.Tamil Nadu is a State having rich heritage and tradition with several arts and culture. Every region is having unique art and culture. However, the youngsters are not interested in the traditional and age old culture and they are preferring film songs rather than the traditional arts. Dancing with obscenity is a prohibited one and it was earlier called as record dance, later on developed as cabaret dance and now such dance is performed in the village festivals in the name of adal padal.

7.The temple festivals are conducted by collecting tax from the residents of the particular area, irrespective of their willingness to make their contributions.

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8.When cyclone Khaja has ravaged Tanjore and Pudukottai districts, a few youngsters formed a team (now called as KAIFA) and by using the collected public money meant for adal padal programme, they have de-silted a water body in their village and the ground water level in that area got recharged. On noticing this, several volunteers, other villagers and many organisations have come forward and also made their contributions. So far they have de-silted 200 water bodies in several districts.

9.These adal padal programmes are being watched by everyone irrespective of their age and gender, while so, there should not be any obscenity and it should not spoil, especially the young minds. The youngsters and the villagers have to realise the benefits reaped by the Pudukottai, Tanjore and Nagapattinam districts and they have to spend the money for constructive purposes. The organisers of the festival committee have to lead the youngsters in the right direction like KAIFA. A few youngsters had spent the money in such way and achieved this much and if every organiser of the festival committee spends money in such a constructive way, a lot more can be achieved.

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10.When the record dance and cabaret dance are prohibited similar such dances with obscenity and vulgarity can never be allowed in the form of adal padal that too affecting the law and order. However this Court since has already entertained such writ petitions seeking permission for adal padal programmes and has also granted permission by imposing several conditions and also considering the circulars issued by the Director General of Police in RC No.007301/Gen I(L)/2019, dated 09.04.2019 and RC.No.159539/Crime4(3)/2018, dated 31.10.2018 the impugned order is set aside with a direction to the respondent police to grant permission provided if the petitioner submits the undertaking affidavit as given below.

11.The petitioner shall file an 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 அல்லது அரசியல் தொடர்பான வசனங்களோ இடம்பெறாது.

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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.காவல்துறையினரால் அளிக்கப்படும் பாதுகாப்பிற்கான செலவினை செலுத்துகிறோம்.

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

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

13.The entire programme shall be videographed by the respondent police at the cost of the petitioner and a copy of the same shall be submitted to the Superintendent of the Police concerned as well as to the learned Additional Public Prosecutor. In case of any violation of any of the conditions, the petitioner and the organisers will be held responsible.

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14.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.

15.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.

16.With the above direction, this writ petition is allowed. No costs.

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