

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12117 of 2015

P.Kalimuthu

.. Petitioner

- Vs -

The Sub Inspector of Police,
Alangiyam Police Station,
Alangiyam, Dharapuram Taluk,
Tiruppur District.

... Respondent

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records of order dated 18.04.2015 on the file of the respondent herein and quash the same and consequently direct the respondent to grant permission to the petitioner to conduct cultural programme containing dance and music in evening on 29.04.2015 as part of Sri Mariamman and Kalamman temple festival at Manakkadavu village in Dharapuram Taluk of Tiruppur District.

Petitioner : Mr.N.Ponraj

For Respondent : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

By consent, the writ petition is take up for final disposal.

2. The petitioner claims to be the president of the festival committee of the temple known as Arulmigu Mariamman and Kalamman temple and the presiding deity is worshipped by the residents of Manakkadavu village and adjacent villages from time immemorial. The petitioner further states that every year during the Tamil month of 'Chithirai', yearly festival is conducted in a very grand manner praying for copious rain and during the temple festival song and dance programme used to be performed to please the villagers and for this year also cultural programme is scheduled to be conducted on 29.04.2015. In this regard, an application was submitted to the respondent and it was rejected on 18.04.2015. Challenging the legality of the said order, the present writ petition is filed.

3. The learned counsel appearing for the petitioner on instructions would submit that while conducting song and dance programme no obscenity will be involved and the respondent without taking note of the sentiments of the villagers, passed the impugned order rejecting the request of the petitioner.

4. Per contra, Mrs.P.Rajalakshmi, learned Government Advocate appearing for the respondent would contend that there is apprehension that in the guise of conducting song and dance programme vulgarity or obscenity may also be exhibited and that is why the respondent has rejected the application.

5. This Court carefully considered the rival submissions and also perused the impugned order.

6. Though it is contended by the learned Government Advocate that apprehending that the petitioner may conduct song and dance programme exhibiting vulgarity and obscenity, the said reason has not been assigned by the respondent in the impugned order, the only reason assigned by the respondent is that the petitioner should seek appropriate orders from this Court.

7. In the light of the same, the impugned order warrants interference and hence the writ petition is partly allowed and the petitioner is permitted to submit one more application to the respondent specifically undertaking that the song and dance programme will be conducted in a peaceful manner without creating any law and order problem and there will not be any obscenity in the cultural programme, within a period of one week from the date of receipt of a copy of this order and the respondent on receipt of the same, shall consider and dispose of the said application of the petitioner, on merits and in accordance with law and pass orders within one week thereafter and communicate the decision taken to the petitioner. No costs.

kk

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Sub Inspector of Police,
Alangiyam Police Station,
Alangiyam, Dharapuram Taluk,
Tiruppur District.

+ 1 cc to Mr.N.Ponraj, Advocate SR 22663

+ 1 cc to the Govt.Pleader SR 22310

vd(co)
prk27/4

W.P.No.12117 of 2015



WEB COPY