

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2015

CORAM :

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

W.P.No.14135 of 2015

T.M.Sathasivam

... Petitioner

Vs.

- 1 The Deputy Superintendent of Police  
Bhavani, Erode District.
- 2 The Sub-Inspector of Police  
Vellithiruppur Police Station  
Anthiyur Taluk, Erode District. .... Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the second respondent dated 02.05.2015 made in Na.Ka.No.05/Ve.Thi.Ka.Ni./2015 and quash the same and consequently direct the respondents to grant permission to conduct a festival program, namely, Cultural Nadana Nigazhchi on 07.05.2015 at 8.00 p.m. in view of the annual function at Arulmigu Gowri Mariamman Thirukoil, Vellithiruppur, Anthiyur Taluk, Erode District.

For Petitioner : Mr.C.Munusamy  
For Respondents : Mr.T.N.Rajagopalan  
Special Government Pleader

ORDER

This writ petition has been filed under Article 226 of the Constitution of India, seeking to quash the impugned order dated 02.05.2015 passed by the second respondent refusing to grant permission to conduct festival programme and consequently to direct the respondents to grant permission to conduct festival programme (i.e.) 'Cultural Nadana Nigazhchi' on 07.05.2015 at 8.00 p.m. in view of the annual function at Arulmigu Gowri Mariamman Thirukoil, Vellithiruppur, Anthiyur Taluk, Erode District.

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

3. Learned counsel for the petitioner would submit that the petitioner is a resident of Vellithiruppur, Anthiyur Taluk, Erode

District, where Arulmigu Gowri Mariamman Temple situates and every year temple festival is being conducted by the villagers and this year also, the villagers jointly decided to conduct the village temple festival, with 'Cultural Nadana Nigazhchi' on 07.05.2015. In this connection, a representation was given on 30.04.2015 to the second respondent, with a request to grant permission to conduct 'Cultural Nadana Nigazhchi' on 07.05.2015, however the second respondent passed the impugned order refusing to grant permission to conduct 'Cultural Nadana Nigazhchi' and hence, the petitioner is before this Court with this writ petition. The learned counsel for the petitioner further submitted that as the temple festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

4. Mr.T.N.Rajagopalan, learned Special Government Pleader appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner may be granted with stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such programme.

5. Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, I am of the view that necessary permission shall be granted to the petitioner and his villagers to conduct 'Cultural Nadana Nigazhchi' in connection with Arulmigu Gowri Mariamman Thirukoil, Vellithiruppur, Anthiyur Taluk, Erode District, on 07.05.2015 between 8.00 p.m. and 10.30 p.m.

6. Accordingly, the writ petition is disposed of with the following directions:

(a) The impugned order is set aside. The 'Cultural Nadana Nigazhchi' in connection with Arulmigu Gowri Mariamman Thirukoil, Vellithiruppur, Anthiyur Taluk, Erode District, festival be held on 07.05.2015 between 8.00 p.m. and 10.30 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants;

(c) Double meaning songs should not be played so as to spoil the minds of students and youths;

(d) No dance or songs, touching upon any political party or religion or community or caste be played;

(e) No flex boards in support of any political party or communal leader be erected;

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

(g) 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; and

(h) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time.

(i) The respondents are directed to issue necessary permission, incorporating the above conditions.

No order as to costs.

mra

Sd/-  
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

To

1 The Deputy Superintendent of Police  
Bhavani, Erode District.

2 The Sub-Inspector of Police  
Vellithiruppur Police Station  
Anthiyur Taluk, Erode District.

+ 1 cc to Mr.C.Munusamy, Advocate SR 24942

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