

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.05.2015

CORAM

THE HONOURABLE MR.JUSTICE R. SUBBIAH

W.P.No.14538 of 2015

Kailasam

. Petitioner

vs

1.The Superintendent of Police
Namakkal District.

2. The Inspector of Police
Kumarapalayam Police Station,
Kumarapalayam.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents the respondents to give permission to conduct the dance programme in the event of Sri Mariamman Koil Festival on 22.05.2015 situated at Nallampalaym @ Pethampalayam, Kalaingkattuvalu Post, Thiruchengode TK, Namakkal District.

For Petitioner :Mr.K.T. S. Sivakumar

For Respondents :Mr.A. Kumar
Special Government Pleader

O R D E R

This writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, directing the respondents the respondents to give permission to conduct the dance programme in the event of Sri Mariamman Koil Festival on 22.05.2015 situated at Nallampalaym @ Pethampalayam, Kalaingkattuvalu Post, Thiruchengode TK, Namakkal District.

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

3.Learned counsel for the petitioner would submit that the petitioner is the Dharmakartha of the concerned Sri

Mariamman Koil, Nallampalaym @ Pethampalayam, Kalaingattuvalu Post, Thiruchengode TK, Namakkal District 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 programme' on 22.05.2015. In this connection, a representation was given on 15.04.2015 to the second respondent, with a request to grant permission to conduct Cultural Programme on 22.05.2015. and no order was passed by the second respondent on the said representation 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.A. Kumar, learned Special Government Pleader appearing for the second respondent, 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 Additional Government Pleader appearing for the respondent, this Court is of the view that necessary permission shall be granted to the petitioner and his villagers to conduct 'cultural programme' in connection with "Arulmigu Sri Mariamman Koil" festival on 22.05.2015 between 6.00 p.m. and 10.30 p.m., however, with the following conditions:-

(a) The petitioner has stated that he is the Dharmakartha of the concerned Sri Mariamman Koil, Nallampalaym @ Pethampalayam, Kalaingattuvalu Post, Thiruchengode TK, Namakkal District. However, the respondent is directed to verify the said factum.

(b)The cultural programme in connection with "Arulmigu Sri Mariamman Koil" Festival, be held on 22.05.2015 between 6.00 p.m. and 10.30 p.m.

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

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

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

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

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

(h)If there is any violation of any one of the conditions imposed, the police officer concerned is at liberty to take necessary action, as per law and stop such performance; and

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

(j)The respondent is directed to issue necessary permission, incorporating the above conditions.

Accordingly, the writ petition is disposed of. No order as to costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ajr

To

1.The Superintendent of Police
Namakkal District.

2. The Inspector of Police
Kumarapalayam Police Station,
Kumarapalayam.

1 cc to Government Pleader, Sr. 25182

1 cc to Mr.K.T.S. Sivakumar, Advocate, sr. 25275

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