

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2015

CORAM :

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

W.P.No.15115 of 2015

K.Manikandan

... Petitioner

vs.

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

2.The Inspector of Police,
Senthamangalam Police Station,
Senthamangalam, Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent to grant permission to the organizers of the festival of Sri Vinayagar and Mariamman Temple, Lakkammanaikkan Patti Village, Namakkal District on 26.05.2015 for conducting cultural and entertainment programmes as permissible under law regularly every year, well in advance.

For Petitioner : Mr.N.Stalin

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

This writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, to direct the second respondent to grant permission to the organizers of the festival of Sri Vinayagar and Mariamman Temple, Lakkammanaikkan Patti Village, Namakkal District on 26.05.2015 for conducting cultural and entertainment programmes as permissible under law regularly every year, well in advance.

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

3. Learned counsel for the petitioner would submit that the petitioner is the resident of Lakkammanaikkan Patti, Siviam Palayam, Namakkal District and for more than ten years, the 26th day festival of Sri Vinayagar and Mariamman Temple, Lakkammanaikkan Patti Village, Namakkal District is being conducted by the villagers and this year also, the villagers jointly decided to conduct the village temple festival, with 'cultural dance programme' on 26.05.2015. In this

connection, a representation was given on 18.05.2015 to the respondents 1 and 2, with a request to grant permission to conduct Cultural Dance Programme on 25.05.2015. However, the second respondent has not given permission to conduct the dance program. 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. Hence, this writ petition is filed seeking the aforesaid relief.

4. Mr.R.A.S.Senthilvel, learned Additional 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 Additional Government Pleader appearing for the respondents, this Court is of the view that necessary permission shall be granted to the petitioner and his villagers to conduct 'cultural dance programme' in connection with Sri Vinayagar and Mariamman Temple festival, on

26.05.2015 between 6.00 p.m. and 10.30 p.m., however, with the following conditions:-

(a) The cultural programme in connection with Sri Vinayagar and Mariamman Temple festival, be held on 26.05.2015 between 6.00 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 respondent is directed to issue necessary permission, incorporating the above conditions.

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

21.05.2015

Index : yes/no
Internet : yes/no

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Note : Issue order copy on 25.05.2015

To

1. The Superintendent of Police,
Namakkal, Namakkal District.
2. The Inspector of Police,
Senthamangalam Police Station,
Senthamangalam, Namakkal District.

M.DURAI SWAMY, J.

ds

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