



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P(MD) No. 10117 of 2015

R.Muthukrishnan

...Petitioner

Vs.

1.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.

2.The Inspector of Police,
Vijayanarayanam Police Station,
Nanguneri,
Tirunelveli District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order in Mike Peti/94/N6/15 dated 07.06.2015 passed by the respondents and quash the same as illegal and direct the respondents to accord permission to conduct "Aadal Paadal" Programme scheduled to be held on 20.07.2015 in Sri Sivan Parvathi Amman Temple, Kadankulam, Nanguneri Taluk, Tirunelveli District and to provide adequate police protection.

For Petitioner : Mr.C.Arul Vadivel Alias Sekar

For Respondents : Mr. R.Karthikeyan

Additional Government Pleader

ORDER

This writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order in Mike Peti/94/N6/15 dated 07.06.2015 passed by the respondents and quash the same as illegal and direct the respondents to accord permission to conduct "Aadal Paadal" Programme scheduled to be held on 20.07.2015 in Sri Sivan Parvathi Amman Temple, Kadankulam, Nanguneri Taluk, Tirunelveli District and to provide adequate police protection.

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 Kadankulam, Nanguneri Taluk, Tirunelveli 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 "Aadal Padal programme" on 20.07.2015. In this connection, a representation was



given on 07.06.2015 to the respondent police, with a request to grant permission to conduct "Adal Padal Programme" on 20.07.2015. The second respondent has passed an impugned order rejecting the petitioner's request 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. Perusal of the impugned order shows that there is likelihood of law and order problem. It is for the respondent to impose any condition to maintain law and order problem. It is not as if there was any prior untoward occurrence in the conduct of the programme.

5. Accordingly, the impugned order is set aside and the writ petition is allowed and the petitioner is permitted to conduct 'Adal Padal programme' in connection with the temple festival of Sri Sivan Parvathi Amman Temple, Kadankulam, Nanguneri Taluk, Tirunelveli District.

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

(a) The cultural programme in connection with temple Festival of Sri Sivan Parvathi Amman Temple, Kadankulam, Nanguneri Taluk, Tirunelveli District, be held on **20.07.2015** between **06.00 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 second respondent is directed to issue necessary permission, incorporating the above conditions. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

\\True copy\\



To

1.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.

2.The Inspector of Police,
Vijayanarayanam Police Station,
Nanguneri,
Tirunelveli District.

+1cc to Mr.C.Arul Vadivel @ Sekar, Advocate Sr.No.32551
+1cc to The Spl.Govt.Pleader, Sr.No.32637

PJL
AKM/KBM/23.06.15/2P-5C/

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