

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 23.06.2015**

WEB COPY

CORAM:**THE HONOURABLE MR. JUSTICE M.M. SUNDRESH****W.P(MD) No. 10130 of 2015**

P.Jeyapandi

... Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

3. The Sub-Inspector of Police,
Jeyamangalam Police Station,
Theni District.

... Respondents

Prayer: Petition filed under Article 236 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection order dated 17.06.2015 passed by the third respondent and quash the same and consequently direct the third respondent to accord permission for conducting "Adal Padal Kalai Nigaltchi" which is scheduled to be taken place on 01.07.2015 in connection with the festival occasion of Shri Mandu Karuppaswamy Thirukkoil situated at Nadupatti, Jeyamangalam, Periyakulam Taluk, Theni District.

For Petitioner : Mr.S.Balaji

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 impugned rejection order dated 17.06.2015 passed by the third respondent and quash the same and consequently direct the third respondent to accord permission for conducting "Adal Padal Kalai Nigaltchi" which is occasion of Shri Mandu Karuppaswamy Thirukkoil situated at Nadupatti, Jeyamangalam, Periyakulam Taluk, Theni District.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3. Learned counsel for the petitioner would submit that the petitioner is the resident of Nadupatti, Jeyamangalam, Periyakulam Taluk, Theni 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 "Adal Padal programme" on 01.07.2015. In this connection, a representation was given on 17.06.2015 to the respondent police, with a request to grant permission to conduct "Adal Padal Programme" on 01.07.2015. 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 Shri Mandu Karuppaswamy Thirukkoil situated at Nadupatti, Jeyamangalam, Periyakulam Taluk, Theni District.

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

(a) The cultural programme in connection with temple Festival of Shri Mandu Karuppaswamy Thirukkoil situated at Nadupatti, Jeyamangalam, Periyakulam Taluk, Theni District, be held on **01.07.2015** 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.

No costs.

Sd/-

Assistant Registrar (Crl.Side)



To

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

2. The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

3. The Sub-Inspector of Police,
Jeyamangalam Police Station,
Theni District.

+1cc to M/s.S.Balaji, Advocate Sr.No.33360
+1cc to The Spl.Govt.Pleader Sr.No.33266

PJL
akm/AMF/24.06.15/3P-6C/

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