



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P(MD)No.10310 of 2015
and
M.P.(MD).No.1 of 2015

P.Ramu

... Petitioner

Vs.

State of Tamilnadu
Represented by
The Inspector of Police,
Ammayanayakkanur P.S.,
Dindigul District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating with the order of the respondent in Na.Ka.No.27/N2 PS/DGL/15 dated 11.06.2015 and quash the same as it is arbitrary and illegal and in consequence to direct the respondent to grant permission to conduct the cultural dance and song program in Sri Kali Amman Temple and Sri Bagavathi Amman Temple festival at Sakkayanayakkanur on 14.07.2015 during the temple festival.

For Petitioner : Mr.R.Suriya Narayanan

For Respondent : Mr.S.Murugan
Additional Government Pleader

O R D E R

This writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, calling for the records relating with the order of the respondent in Na.Ka.No.27/N2 PS/DGL/15 dated 11.06.2015 and quash the same as it is arbitrary and illegal and in consequence to direct the respondent to grant permission to conduct the cultural dance and song program in Sri Kali Amman Temple and Sri Bagavathi Amman Temple festival at Sakkayanayakkanur on 14.07.2015 during the temple festival.

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

3.Learned counsel for the petitioner would submit that the petitioner is the President of the Sri Kali Amman Temple and Sri Bagavathi Amman Temple Festival at Sakkayanayakkanur Festival Committee and every year temple festival is being conducted by the villagers and this year also, the villagers jointly decided to conduct the drama and Cultural Program namely dance and song program on 14.07.2015. In this connection, a representation was given to the respondent police, with a request to grant permission to conduct "Adal Padal Programme". The respondent has passed



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.The only objection raised is that permission if granted likely would lead to law and order problem. From the order passed by the respondent there was no indication that law and order problem would be arisen. 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. By the order impugned while granting permission to conduct drama, other permission sought for to conduct Aadal Padal program was rejected on the ground of law and order problem. The order impugned neither given any reasons nor afford an opportunity to the petitioner.

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 Kali Amman Temple and Sri Bagavathi Amman Temple festival at Sakkayanayakkanur, however, with the following conditions:-

(a)The cultural programme in connection with temple Festival at Sri Kali Amman Temple and Sri Bagavathi Amman Temple festival at Sakkayanayakkanur, be held on 14.07.2015 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 respondent is directed to issue necessary permission, incorporating the above conditions.

No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To,
The Inspector of Police, Ammayanayakkanur P.S., Dindigul District.
TS/25.06.2015/2P -2C

W.P(MD)No.10310 of 2015
25.04.2015