



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.10493 of 2015

C.Bose

... Petitioner

Vs.

1.The Commissioner of Police,
Trichy City,
Trichy.

2.The Inspector of Police,
Contonment Police Station (L&O).,
Trichy City.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the second respondent herein to grant permission for conducting cultural activities, traditional dance and songs on 29.06.2015 for the completion of festival in Sri Muthumariamman Temple, Kamarajapuram, Selvanagar, Ponnagar, Trichy based on the petitioner's representation dated 19.06.2015.

For Petitioner : Mr.B.Jammel Arasu

For Respondents : Mr.S.Murugan

Addl.Govt.Pleader

ORDER

This writ petition has been filed seeking for the issuance of Writ of Mandamus, directing the second respondent herein to grant permission for conducting cultural activities, traditional dance and songs on 29.06.2015 for the completion of festival in Sri Muthumariamman Temple, Kamarajapuram, Selvanagar, Ponnagar, Trichy based on the petitioner's representation dated 19.06.2015.

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 President of Festival Committee of Sri Muthumariamman Temple 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 29.06.2015. In this connection, a representation was submitted to the respondents, with a request to grant permission to conduct "Adal Padal Programme" on 29.06.2015, however no order was passed by the respondents 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.S.Murugan, 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.The only objection raised by the learned Additional Government Pleader is that the place chosen by the petitioner to conduct the program is very narrow leading to heavy traffic.

6.Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents, this court is of the view that necessary permission shall be granted to the petitioner and his villagers to conduct 'Adal Padal programme" in connection with the temple festival of Sri Muthumariamman Temple, Kamarajapuram, Selvanagar, Ponnagar, Trichy.

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

(a)The cultural programme in connection with temple Festival at Sri Muthumariamman Temple, Kamarajapuram, Selvanagar, Ponnagar, Trichy be held on 29.06.2015 between **06.00 p.m. and 10.30 p.m.**

(b)The petitioner choose the place, which is not objected by the respondents.

(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.

No costs.

Sd/-

Assistant Registrar(RTI)



To

1.The Commissioner of Police,
Trichy City,
Trichy.

2.The Inspector of Police,
Contonment Police Station (L&O).,
Trichy City.

+lcc to M/s.B.Jameel Arasu, Advocate Sr.NO.33933
+lcc to The Spl.Govt.Pleader Sr.No.34061

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akm/26.06.15 /3p-5c/

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