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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2015

CORAM:

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Writ Petition(MD)No.10511 of 2015

R.Ayyarsamy(Temple Administrator) ... Petitioner
Vs

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

2. The Sub Inspector of Police,
Taluk Police Station,
Dindigul District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in C.No.80/Mike/Eips/DGL/2015, dated 11.06.2015 and quash the same and consequently direct the respondents herein to grant permission and adequate police protection for conducting the Aadalum Padalum function at Periyaponnimandurai Village, Dindigul Taluk, Dindigul District on the eve of Sri Kaliyamman Sri Bagavathyamman temple festival on 09.07.2015.

For Petitioner : Mr.D.Selvaraj

For Respondents : Mr.S.Murugan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in C.No.80/Mike/Eips/DGL/2015, dated 11.06.2015 and quash the same and consequently directing the respondents herein to grant permission and adequate police protection for conducting the Aadalum Padalum function at Periyaponnimandurai Village, Dindigul Taluk, Dindigul District on the eve of Sri Kaliyamman Sri Bagavathyamman temple festival on 09.07.2015.

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 Temple Administrator of Periyaponnimandurai



village, Dindigul Taluk, Dindigul District and every year "Sri Kaliyamman Sri Bagavathyamma 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 09.07.2015. In this connection, a representation was given on 11.06.2015 to the second respondent, with a request to grant permission to conduct "Adal Padal Programme". The second 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 if permission is granted, it would likely lead to law and order problem. It is for the second 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 Kaliyamman Sri Bagavathyamma temple, situated at Periyaponnimandurai Village, Dindigul Taluk, Dindigul District, however, with the following conditions:-

(a) The Dance Programme in connection with temple Festival of Sri Kaliyamman Sri Bagavathyamma temple, situated at Periyaponnimandurai Village, Dindigul Taluk, Dindigul District, be held on 09.07.2015 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



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(h) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time.

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(i) The second respondent is directed to issue necessary permission, incorporating the above conditions. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Dindigul District,
Dindigul.
2. The Sub Inspector of Police,
Taluk Police Station,
Dindigul District.

+1cc to M/s.D.Selvaraj, Advocate Sr.No.34013
+1cc to The Spl.Govt.Pleader Sr.NO.34060

akm/01.07.15 /3p-5c/

W.P (MD) No.10511 of 2015
25.06.2015