

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 29.06.2015**

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CORAM:**THE HONOURABLE MR. JUSTICE M.M. SUNDRESH****W.P(MD)No.10697 of 2015
and MP(MD)No.1 of 2015**

M.Manickam Nadar

... Petitioner

Vs.

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

2.The Sub Inspector of Police,
Vilathikulam Police Station,
Thoothukudi 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 rejection order of the second respondent on 18.06.2015 and quash the same and consequently direct the respondents to grant permission and protection for Adal Padal programme performed by "Madurai Abinaya Group" in connection with "Pongal Thiruvizha" scheduled to be held on 09.07.2015 at Arulmigu Sri Pathirakaliamman Thirukovil at Sithavanaickenpatti Village, Pillaiyar Natham, Vilathikulam Taluk, Thoothukudi District.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.R.Karthikeyan

Additional Govt. 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 rejection order of the second respondent on 18.06.2015 and quash the same and consequently, direct the respondents to grant permission and protection for Adal Padal programme performed by "Madurai Abinaya Group" in connection with "Pongal Thiruvizha" scheduled to be held on 09.07.2015 at Arulmigu Sri Pathirakaliamman Thirukovil at Sithavanaickenpatti Village, Pillaiyar Natham, Vilathikulam Taluk, Thoothukudi District.

2. The learned counsel for the petitioner submitted that the petitioner is the Member of the Vizha committee of Arulmigu Sri Pathirakaliamman Thirukovil at Sithavanaickenpatti Village, Pillaiyar Natham, Vilathikulam Taluk, Thoothukudi 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 09.07.2015. In this



connection, a representation was given on 18.06.2015 to the second respondent police, 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.

3. The learned Additional Government Pleader submitted that the prayer sought for by the petitioner has been rejected on the ground of alleged law and order problem and especially, from those who are working outside.

4. The said reason is only imaginary and not supported by any material particulars. 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 Arulmigu Sri Pathirakaliamman Thirukovil at Sithavanaickenpatti Village, Pillaiyar Natham, Vilathikulam Taluk, Thoothukudi District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Arulmigu Sri Pathirakaliamman Thirukovil at Sithavanaickenpatti Village, Pillaiyar Natham, Vilathikulam Taluk, Thoothukudi 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

(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. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

\\True copy\\



To

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

2.The Sub Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

+1cc to Mr.R.Karthic Rajan, Advocate SR.No.34461
+1cc The Spl.Govt.Pleader SR.No.34633

akv

akm/01.07.15 /3p-5c/

W.P (MD) No.10697 of 2015
29.06.2015