



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2015

CORAM:

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THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition(MD)No.11010 of 2015

C.Paramaiah

... Petitioner

Vs

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

2.The Deputy Superintendent of Police,
Alangulam Sub Division,
Tirunelveli District.

3.The Inspector of Police,
Oothumalai Police Station,
Tirunelveli 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 proceedings in C.No.21/H4PS/2015, dated 28.06.2015 of the third respondent and to quash the same consequently directing the third respondent to grant permission and necessary protection to perform the cultural programme ie., Adal Padal on 04.07.2015 at 06.00 p.m in the eve of Arulmighu Sri Aathiparankonda Ayyanar, Sri Annapoorni, Sri Porkudi, Sri Kothadichi Amman Kovil Thiruvizha at Balapathiraramapuram Village, V.K.Pudur Taluk, Tirunelveli District.

For Petitioner : Mr.S.Sundara Pandian

For Respondents : Mr.M.Murugan

Government Advocate

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 proceedings in C.No.21/H4PS/2015, dated 28.06.2015 of the third respondent and to quash the same consequently directing the third respondent to grant permission and necessary protection to perform the cultural programme ie., Adal Padal on 04.07.2015 at 06.00 p.m in the eve of Arulmighu Sri Aathiparankonda Ayyanar, Sri Annapoorni, Sri Porkudi, Sri Kothadichi Amman Kovil Thiruvizha at Balapathiraramapuram Village, V.K.Pudur Taluk, Tirunelveli District.

2. Heard the learned counsel appearing for the petitioner

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

and the learned Government Advocate appearing for the respondents.



3. Learned counsel for the petitioner would submit that the petitioner is the resident of Annamalai Pudur Village and one of the Committee member of Arulmighu Sri Aathiparankonda Ayyanar, Sri Annapoorni, Sri Porkudi, Sri Kothadichi Amman Kovil, and every year in the month of Aani, the Villagers use to celebrate "Thiruvizha" in the above said temple and this year also, the villagers jointly decided to conduct the village temple festival, with the cultural programme (I.e.) Adal Padal" on 04.07.2015 In this connection, a representation was given on 28.06.2015 to the third respondent police, with a request to grant permission to conduct "cultural programme (i.e.) Adal Padal". 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. Considering the facts and circumstances of the case, the impugned order is set aside and the Writ Petition is allowed and the petitioner is permitted to conduct "cultural programme (i.e.) Adal Padal" in connection with the temple festival of Arulmighu Sri Aathiparankonda Ayyanar, Sri Annapoorni, Sri Porkudi, Sri Kothadichi Amman Kovil, at Balapathiraramapuram Village, V.K.Pudur Taluk, Tirunelveli District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Arulmighu Sri Aathiparankonda Ayyanar, Sri Annapoorni, Sri Porkudi, Sri Kothadichi Amman Kovil, at Balapathiraramapuram Village, V.K.Pudur Taluk, Tirunelveli District, be held on 04.07.2015 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 third respondent is directed to issue necessary permission, incorporating the above conditions.

No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

2.The Deputy Superintendent of Police,
Alangulam Sub Division,
Tirunelveli District.

3.The Inspector of Police,
Oothumalai Police Station,
Tirunelveli District.

+1cc to M/S.S.Sundara Pandian, Advocate in SR.No 35392

TS/03.07.2015/3P -5C

W.P (MD) No.11010 of 2015

02.07.2015