



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P(MD) No. 11439 of 2015

M.P.Sathiyamoorthy

...Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai District.

2.The Sub-Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai 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 03.07.2015 and quash the same and consequently direct the respondents to grant permission and protection for cultural program in connection with "Santhanakkaappu Abishega Vizha" scheduled to be held on 14.07.2015 at Sri Muthmariamman Thirukovil at Kurichikulam Village, Ambalpuram, Tirupperunthurai, Avudaiyarkovil Taluk, Pudukkottai District.

For Petitioner : Mr.R.Karthic Rajan

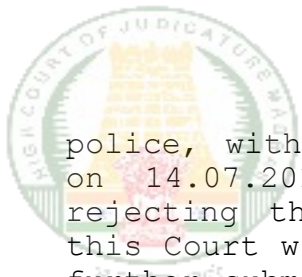
For Respondents : Mr. S.Kumar
Addl.Government Pleader

O R D E R

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 03.07.2015 and quash the same and consequently direct the respondents to grant permission and protection for cultural program in connection with "Santhanakkaappu Abishega Vizha" scheduled to be held on 14.07.2015 at Sri Muthmariamman Thirukovil at Kurichikulam Village, Ambalpuram, Tirupperunthurai, Avudaiyarkovil Taluk, Pudukkottai District.

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 member of the Vizha Committee of temple at Arulmighu Sri Muthmariamman Thirukovil at Kurichikulam Village, Ambalpuram, Tirupperunthurai, Avudaiyarkovil Taluk, Pudukkottai District, is going to celebrate "Santhanakkaappu Abishega Vizha" and every year during tamil month Aani, "Santhanakkaappu Abishega Vizha" festival is being conducted by the villagers and this year also, the villagers jointly decided to conduct the said festival, with "cultural program" on 09.07.2015. In this connection, a representation was given on 01.07.2015 to the respondent



police, with a request to grant permission to conduct "cultural program" on 14.07.2015. The second respondent has passed an 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. Perusal of the impugned order shows that there is likelihood of law and order problem. 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.

5. Accordingly, the impugned order is set aside and the writ petition is allowed and the petitioner is permitted to conduct 'cultural programme' in connection with the temple festival of "Santhanakkaappu Abishega Vizha" at Arulmighu Sri Muthmariamman Thirukovil at Kurichikulam Village, Ambalpuram, Tirupperunthurai, Avudaiyarkovil Taluk, Pudukkottai District.

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

(a) The cultural programme in connection with temple Festival of "Santhanakkaappu Abishega Vizha" at Arulmighu Sri Muthmariamman Thirukovil at Kurichikulam Village, Ambalpuram, Tirupperunthurai, Avudaiyarkovil Taluk, Pudukkottai District, 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 second respondent is directed to issue necessary permission, incorporating the above conditions. Consequently, the connected Miscellaneous Petition is closed.

No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1.The Superintendent of Police,
Pudukkottai District.

2.The Sub-Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.

+1cc to M/S.R.Karthic Rajan, Advocate in SR.No 36721

+1cc to Special Government Pleader in SR.No. 36880.

TS/09.07.2015/3P -5C

W.P (MD) No.11439 of 2015

07.07.2015