



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Writ Petition(MD)No.11505 of 2015

Gunaseelan

... Petitioner

Vs

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

2. The Inspector of Police,
S.S.Kottai Police Station,
Thiruppathur Taluk,
Sivagangai District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to give permission and necessary protection to perform the cultural programme (i.e) Dance Programme on 12.07.2015 at 6.00P.M to 10.00P.M., in connection with Aani Festival of Arulmighu Sri Santhiveeran Swamy Thirukkivil at Jeyamkondan Nilai Village, Thiruppathur Taluk, Sivagangai District.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.S.Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of Writ of Mandamus, directing the respondents herein to give permission and necessary protection to perform the cultural programme (i.e) Dance Programme on 12.07.2015 at 6.00P.M to 10.00P.M., in connection with Aani Festival of Arulmighu Sri Santhiveeran Swamy Thirukkivil at Jeyamkondan Nilai Village, Thiruppathur Talu, Sivagangai 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 resident of Jeyamkondan Nilai Village and every year Arulmighu Sri Santhiveeran Swamy Thirukkivil 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 12.07.2015. In this connection, a representation was given on 04.07.2015 to the respondents, with a request to grant permission to conduct "Aadal Padal Programme" on 12.07.2015, 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.Kumar, 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. Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader 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 Arulmighu Sri Santhiveeran Swamy Thirukkivil at Jeyamkondan Nilai Village, Thiruppathur Taluk, Sivagangai District.

6. Accordingly, the Writ Petition is disposed of with the following directions:

(a) The Adal Padal cultural programme in connection with "Aani Festival", at Arulmighu Sri Santhiveeran Swamy Thirukkivil at Jeyamkondan Nilai Village, Thiruppathur Taluk, Sivagangai District, be held on 12.07.2015 between **06.00p.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.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar



To

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

2. The Inspector of Police,
S.S.Kottai Police Station,
Thiruppathur Taluk,
Sivagangai District.

+1cc to Mr.A.V.Arun, Advocate SR.No. 36977

W.P (MD) No.11505 of 2015
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pmu/mpk
PA/SJW/09.07.2015/3P/4C (IT)