



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Writ Petition(MD)No.11529 of 2015

WEB COPY

S.Kathiresan

... Petitioner

Vs

1. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

2. The Sub Inspector of Police,
Thaadikombu Police Station,
Thadikombu,
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 pertaining to the order of rejection made by the first respondent dated 06.07.2015 with regard to permission to conduct Arulmigu Karuppasamy festival and Adal Padal on 11.07.2015 at Papanampatti-Kottur Avarampatti, Dindigul Taluk and quash the same and consequently direct the respondents to permit the petitioner to conduct Aadal Padal Programme on 11.07.2015 on the basis of representation of the petitioner dated 06.07.2015.

For Petitioner

: Mr.A.R.Kannappan

For Respondents

: Mr.S.Kumar
Additional Government 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 order of rejection made by the first respondent dated 06.07.2015 with regard to permission to conduct Arulmigu Karuppasamy festival and Adal Padal on 11.07.2015 at Papanampatti-Kottur Avarampatti, Dindigul Taluk and quash the same and consequently direct the respondents to permit the petitioner to conduct Aadal Padal Programme on 11.07.2015 on the basis of representation of the petitioner dated 06.07.2015.

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 one of the members of the festival committee of Arulmigu Karuppasamy Temple, Papanampatti-Kottur Avarampatti, Dindigul Taluk, Dindigul 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 "Adal Padal programme" on 11.07.2015. In this connection, a representation was given on 06.07.2015 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 Arulmigu Karuppasamy Temple, at Papanampatti-Kottur Avarampatti, Dindigul Taluk, Dindigul District, however, with the following conditions:-

(a) The Adal Padal Programme in connection with Temple Festival of Arulmigu Karuppasamy Temple, at Papanampatti-Kottur Avarampatti, Dindigul Taluk, Dindigul District, be held on 11.07.2015 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.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar



To

1. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

2. The Sub Inspector of Police,
Thaadikombu Police Station,
Thadikombu,
Dindigul District.

+1cc to MR.A.R.Kannappan, Advocate SR.No.37116

W.P (MD) No.11529 of 2015
08.07.2015

pmu/mpk

PA/SJW/09.07.2015/3P/4C (IT)