



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2015

CORAM:

THE HONOURABLE Mr. JUSTICE M.M. SUNDRESH

Writ Petition(MD)No.12715 of 2015

WEB COPY

R.Vellaichamy

... Petitioner

Vs.

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

2.The Inspector of Police,
Nagamalaipudukkottai Police Station,
Madurai.

... 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 to grant permission and protection for Adal Padal program perform by Madurai Students in Abinaya Dance Group & Orchestra in Thiruvizha scheduled to be held on 27.07.2015 at Arulmigu Sri Pathirakaliamman Thirukovil at Keelamathur Village, Madurai West, Madurai District and pass such further or other orders.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondents to grant permission and protection for Adal Padal program perform by Madurai Students in Abinaya Dance Group & Orchestra in Thiruvizha scheduled to be held on 27.07.2015 at Arulmigu Sri Pathirakaliamman Thirukovil at Keelamathur Village, Madurai West, Madurai District.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. Learned counsel for the petitioner would submit that the petitioner is the member of the vizha committee of Arulmigu Sri Pathirakaliamman Thirukovil at Keelamathur Village, Madurai West, Madurai 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 27.07.2015. In this connection, a representation was given on 16.07.2015 to the respondents police, with a request to grant permission to conduct "Adal Padal Programme" on 27.07.2015, 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. The only objection raised by Mr.M.Murugan, learned Government Advocate appearing for the respondents is that there are two groups and therefore, there is a likelihood of law and order problem.

5. It is not as if the petitioner seeks any right, on the contrary, he only seeks permission to conduct Adal Padal Programme. Mere apprehension cannot be a ground to reject permission to conduct Adal Padal programme.

6. In view of the above, 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 Arulmigu Sri Pathirakaliamman Thirukovil at Keelamathur Village, Madurai West, Madurai District.

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

(a) The cultural programme in connection with temple Festival at Arulmigu Sri Pathirakaliamman Thirukovil at Keelamathur Village, Madurai West, Madurai District to be held on 27.07.2015 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(AS)

/TRUE COPY/

Sub Assistant Registrar

To

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

2.The Inspector of Police,

Nagamalaipudukkottai Police Station,Madurai.

+1cc to Mr.R.Karthic Rajan,Advocate SR.No.40743

+1cc to Special Govt.Pleader SR.No.41136

W.P(MD)No.12715 of 2015
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