



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P(MD)No.12808 of 2015

G.Achaya Naicker

...Petitioner

Vs.

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

2.The Sub Inspector of Police,
Keelarajakularaman Police Station,
Nathampatti,
Virudhunagar District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) Adal Padal on 01.08.2015 at 7.00 p.m. in the eve of Arulmighu Vetri Vinayagar Pon Irulappaswamy Kovil at Devanrayanpatti, Gopalapuram Post, Keelarajakularaman (via), Rajapalayam Taluk, Virudhunagar District.

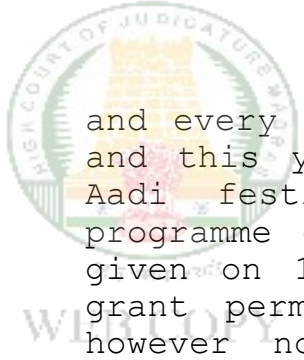
For Petitioner : Mr.G.Marimuthu

For Respondents : Mr.M.Murugan
Government AdvocateO R D E R

Mr.M.Murugan, learned Government Advocate takes notice on behalf of the respondents. By consent, the writ petition is taken up for disposal at the stage of admission.

2. This writ petition has been filed seeking for the issuance of Writ of Mandamus, directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) Adal Padal on 01.08.2015 at 7.00 p.m. in the eve of Arulmighu Vetri Vinayagar Pon Irulappaswamy Kovil at Devanrayanpatti, Gopalapuram Post, Keelarajakularaman (via), Rajapalayam Taluk, Virudhunagar District.

3. Learned counsel for the petitioner would submit that the petitioner is the resident of Devanrayanpatti, Gopalapuram Post, Keelarajakularaman (via), Rajapalayam Taluk, Virudhunagar District



and every year temple festival is being conducted by the villagers and this year also, the villagers jointly decided to conduct the Aadi festival from 31.07.2018 and 01.08.2015, with Cultural programme on 01.08.2015. In this connection, a representation was given on 16.07.2015 to the respondent police, with a request to grant permission to conduct "Cultural Programme" on 01.08.2015, 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. M.Murugan, learned Government Advocate 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 Government Advocate appearing for the respondents, this court is of the view that necessary permission shall be granted to the petitioner and his villagers to conduct "Cultural Programme" in connection with the temple festival of Arulmighu Vetri Vinayagar Pon Irulappaswamy Kovil at Devanrayanpatti, Gopalapuram Post, Keelarajakularaman (via), Rajapalayam Taluk, Virudhunagar District.

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

(a) The cultural programme in connection with the temple Festival of Arulmighu Vetri Vinayagar Pon Irulappaswamy Kovil at Devanrayanpatti, Gopalapuram Post, Keelarajakularaman (via), Rajapalayam Taluk, Virudhunagar District be held on 01.08.2015 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 (Writ)

/True copy/

Sub Assistant Registrar

PJL

To

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

2. The Sub Inspector of Police,
Keelarajakularaman Police Station,
Nathampatti, Virudhunagar District.

+1cc to Special Government Pleader in SR NO.41125

W.P (MD) No. 12808 of 2015
23.07.2015

rg.28.07.2015

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