



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2015

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

WEB COPY

Writ Petition (MD) No.12918 of 2015

S.Thiagarajan
President,
M/s.Sri Alagiya Mannar Rajagopalaswami
Festival Committee,
Perumalkovil Street,
Vijayanarayanam,
Tirunelveli District.

... Petitioner

Vs.

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

2.The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Impugned proceedings in 101/Mike/N6PS/15 Dated 16.7.2015 of the 2nd respondent and to quash the same consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) Adal Padal on 29.7.2015 at 7.00 p.m. in the eve of Arulmigu Sri Alagiya Mannar Rajagoplaswami Thiruvizha Festival at Perumalkovil Street Vijayanarayanam Tirunelveli District.

For Petitioner

: Mr.J.Ashok

For Respondents

: Mr.M.Murugan,

Government Advocate.

ORDER

This writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Impugned proceedings in 101/Mike/N6PS/15 Dated 16.7.15 of the 2nd respondent and to quash the same consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) Adal Padal on 29.7.15 at 7.00 p.m. in the eve of Arulmigu Sri Alagiya Mannar Rajagoplaswami Thiruvizha Festival at Perumalkovil Street Tirunelveli District.



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

3. Learned counsel for the petitioner would submit that the petitioner is the President of the Vizha committee of Arulmigu Sri Alagiya Mannar Rajagoplaswami Thiruvizha Festival at Perumalkovil Street Vijayanarayanam Tirunelveli 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 Paadal programme" on 29.07.2015. In this connection, a representation was given on 16.07.2015 to the respondent police, with a request to grant permission to conduct "Aadal Paadal Programme". The 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 permission if granted likely would lead to law and order problem. From the order passed by the respondent there was no indication that law and order problem would be arisen. 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 'Aadal Paadal programme' in connection with the temple festival of "Arulmigu Sri Alagiya Mannar Rajagoplaswami Thiruvizha Festival at Perumalkovil Street Vijayanarayanam Tirunelveli District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at "Arulmigu Sri Alagiya Mannar Rajagoplaswami Thiruvizha Festival at Perumalkovil Street Vijayanarayanam Tirunelveli District, be held on 29.07.2015 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 respondents are directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

sms

To

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

2. The Inspector of Police,
Vijayarayanam Police Station,
Tirunelveli District.

+1cc to Mr. J. ASHOK, ADVOCATE IN SR NO. 41273

+1CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 41610

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24.07.2015

rg.28.07.2015

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