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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2015

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition (MD) No.12969 of 2015

Krishnasamy

... Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Malli Police Station,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to give permission and protection for Vinnayakar and Kalliamman Temple at S.Pudupatti Village Sivakasi Taluk Virudhunagar District temples Festival and Adal Padal Programme on 28.7.15 between 8 pm to 12 O Clock.

For Petitioner : Mr.E.Marees Kumar

For Respondents : Mr.M.Murugan,
Government Advocate.

ORDER

This writ petition has been filed seeking for the issuance of Writ of Mandamus, directing the respondents herein to give permission and protection for Vinnayakar and Kalliamman Temple at S.Pudupatti Village Sivakasi Taluk Virudhunagar District temples Festival and Adal Padal Programme on 28.7.15 between 8 pm to 12 O Clock.

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 Vinnayakar and Kalliamman Temple at S.Pudupatti Village Sivakasi Taluk Virudhunagar District this year also, the villagers jointly decided to conduct the village temple festival, with "Aadal Paadal programme" on 28.07.2015. In this connection, a representation was given on 23.07.2015 to the respondent police, with a request to grant permission to conduct "Aadal Paadal Programme", 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 'Aadal Paadal programme' in connection with the temple festival of Vinnayakar and Kalliamman Temple at S. Pudupatti Village Sivakasi Taluk Virudhunagar District.

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

(a) The cultural programme in connection with temple Festival at Vinnayakar and Kalliamman Temple at S. Pudupatti Village Sivakasi Taluk Virudhunagar District be held on 28.07.2015 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;

(h) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time; and

(i) The second respondent is directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-

Assistant Registrar (Writs)

\\True copy\\



To

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Malli Police Station,
Virudhunagar District.

+lcc to Mr.E.Marees Kumar, Advocate Sr.No.41213

+lcc to The Special Government Pleader SR.No.41675

akm/28.07.15 /2p-5c/

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