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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P(MD) No.13071 of 2015

K.Sermakani Nadar

... Petitioner

Vs.

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

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Certiorarified Writ of Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent dated nil and quash the same and consequently directing the respondents herein to grant permission and adequate police protection for conducting Villisai, Naiyandi Melam, Karagattam, Patti Mandram, Light Music and Sendai Melam on the eve of Megam Thiraikonda Sastha Kovil festival on 05.08.2015.

For Petitioner	: Mr.D.Srinivasaragavan
For respondent	: Mr.M.Murugan
	Government Advocate

O R D E R

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

2. This writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent dated nil and quash the same and consequently directing the respondents herein to grant permission and adequate police protection for conducting Villisai, Naiyandi Melam, Karagattam, Patti Mandram, Light Music and Sendai Melam on the eve of Megam Thiraikonda Sastha Kovil festival on 05.08.2015.



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

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4. Learned counsel for the petitioner would submit that the petitioner is the resident of Nadar Street, North Sivakamipuram, Arunaperi, Pethanadarpatti Post, Pavoorchatram, Tirunelveli District and he is the trustee of the temple namely Megam Thiraikonda Sastha Kovil 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 05.08.2015. In this connection, a representation was given on 04.07.2015 to the second respondent police, with a request to grant permission to conduct Aadal 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.

5. The only objection raised is that permission if granted likely would lead to law and order problem. 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.

6. Accordingly, the impugned order is set aside and the writ petition is allowed and the petitioner is permitted to conduct Cultural Programme in connection with the temple festival of Megam Thiraikonda Sastha Kovil situated at Nadar Street, North Sivakamipuram, Arunaperi, Pethanadarpatti Post, Pavoorchatram, Tirunelveli District with the following conditions:-

(a) The cultural programme in connection with temple Festival of Megam Thiraikonda Sastha Kovil situated at Nadar Street, North Sivakamipuram, Arunaperi, Pethanadarpatti Post, Pavoorchatram, Tirunelveli District, be held on **05.08.2015** 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



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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

\\True copy\\

Sub Assistant Registrar

To

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

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

+lcc to Mr.D.Srinivasa Raghavan, Advocate Sr.No.42649

akm/31.07.15 /3p-4c/

W.P(MD)No. 13071 of 2015
31.07.2015