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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P(MD)No.13189 of 2015

S.Mani

... Petitioner

Vs.

1. The Superintendent of Police,
Dindigul District.

2. The Inspector of Police,
Ambathurai Police Station,
Dindigul District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Certiorarified Mandamus, calling for the records pertaining to the rejection order of the 2nd respondent in Na.Ka. No.03/ABI-CI/2015 dated 23.07.2015 and quash the same and consequently direct the 2nd respondent to grant permission and protection for cultural program in connection with "Samy Kumbidu Vizha" scheduled to be held on 03.08.2015 at Arulmigu Sri Pappathiamman Thirukovil at A.Vellodu Village, Narasingapuram, Vaalakkaipatti, Adiyanoorthu, Dindigul Taluk, Dindigul District.

For Petitioner

: Mr.R.Karthic Rajan

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 pertaining to the rejection order of the 2nd respondent in Na.Ka. No.03/ABI-CI/2015 dated 23.07.2015 and quash the same and consequently direct the 2nd respondent to grant permission and protection for cultural program in connection with "Samy Kumbidu Vizha" scheduled to be held on 03.08.2015 at Arulmigu Sri Pappathiamman Thirukovil at A.Vellodu Village, Narasingapuram, Vaalakkaipatti, Adiyanoorthu, Dindigul Taluk, Dindigul District.



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

WEB COPY 4. Learned counsel for the petitioner would submit that the petitioner is the resident of A.Vellodu Village, Narasingapuram, Vaalakkaipatti, Adiyanoorthu, Dindigul Taluk, Dindigul 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 03.08.2015. In this connection, a representation was given on 23.07.2015 to the second respondent police, with a request to grant permission to conduct Aadal Padal 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.

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 Aadal Padal Programme in connection with the "Samy Kumbidu Vizha" of Arulmigu Sri Pappathiamman Thirukovil at A.Vellodu Village, Narasingapuram, Vaalakkaipatti, Adiyanoorthu, Dindigul Taluk, Dindigul District, with the following conditions:-

(a) The cultural programme in connection with "Samy Kumbidu Vizha" of Arulmigu Sri Pappathiamman Thirukovil at A.Vellodu Village, Narasingapuram, Vaalakkaipatti, Adiyanoorthu, Dindigul Taluk, Dindigul District, be held on **03.08.2015** 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.



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(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, Dindigul District.
- 2.The Inspector of Police, Ambathurai Police Station,Dindigul District.

+1cc to Mr.R.Karthic Rajan, Advocate Sr.No.41951

+1cc to The Special Government Pleader SR.No.42249

akm/29.07.15 /3p-5c/

W.P(MD)No.13189 of 2015
28.07.2015