



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

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W.P(MD) No. 13399 of 2015

K. Murugan

... Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

3. The Inspector of Police,
Palayanoor Police Station,
Thiruppuvanam Taluk,
Sivagangai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.19/Forecast/ Ka.Thu.Ka/Mana/2015 dated 17.07.2015 and quash the same and consequently direct the respondents to grant police permission to conduct the programme namely Aadal - Paddal in Sri Chidambara Sastha Ayyanar Kovil Puravi Eduppu festival on 25.08.2015 at Achankulam Village Thiruppuvanam Taluk, Sivagangai District.

For Petitioner : Mr.S.Karthik

For Respondent : Mr.M.Murugan

Government Advocate, takes notice

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 in Na.Ka.No.19/Forecast/ Ka.Thu.Ka/Mana/2015 dated 17.07.2015 and quash the same and consequently direct the respondents to grant police permission to conduct the programme namely Aadal - Paddal in Sri Chidambara Sastha Ayyanar Kovil Puravi Eduppu festival on 25.08.2015 at Achankulam Village Thiruppuvanam Taluk, Sivagangai District.



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

4. Learned counsel for the petitioner would submit that the petitioner is the resident of Achankulam Village Thiruppuvanam Taluk, Sivagangai 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 25.08.2015. In this connection, a representation was given on 09.07.2015 to the respondent police, with a request to grant permission to conduct Aadal Padal Programme. The respondent has passed an impugned order dated 17.07.2015 by 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 Puravi Eduppu festival of Sri Chidambara Sastha Ayyanar Kovil situated at Achankulam Village, Thiruppuvanam Taluk, Sivagangai District with the following conditions:-

(a) The cultural programme in connection with temple Festival of Sri Chidambara Sastha Ayyanar Kovil situated at Achankulam Village, Thiruppuvanam Taluk, Sivagangai District, be held on 25.08.2015 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 third respondent is directed to issue necessary permission, incorporating the above conditions.
No costs.

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/True copy/

Sd/-

Assistant Registrar (AE)

Sub Assistant Registrar

PJJL

To

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

2.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

3.The Inspector of Police,
Palayanoor Police Station,
Thiruppuvanam Taluk,
Sivagangai District.

+1cc to MR.S.KARTHIK ADVOCATE SR NO.42636

W.P (MD) No.13399 of 2015
31.07.2015

rg.07/08/2015

3p/5c.