



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P(MD)No.13554 of 2015

Prabhu

... Petitioner

Vs.

The Inspector of Police,
Kariyur Police Station,
Pudukkottai District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondent to grant permission and protection for cultural event namely Adalpadal scheduled to be held on 14.08.2015 at night in connection with Vizhakku Poojai Aadi Festival in Arulmigu Sri Subramaniaswamy Kovil at Vaiyapuri Village, Arasamalai Post , Ponnamaravathy Taluk, Pudukkottai District.

For Petitioner : Mr.M.S.Jeyakarthick

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, the writ petition is taken up for disposal at the stage of admission.

2. This writ petition has been filed seeking for the issuance of Writ of Mandamus, directing the respondent to grant permission and protection for cultural event namely Adalpadal scheduled to be held on 14.08.2015 at night in connection with Vizhakku Poojai Aadi Festival in Arulmigu Sri Subramaniaswamy Kovil at Vaiyapuri Village, Arasamalai Post, Ponnamaravathy Taluk, Pudukkottai District.

3. Learned counsel for the petitioner would submit that the petitioner is the resident of Vaiyapuri Village, Arasamalai Post, Ponnamaravathy Taluk, Pudukkottai District and every year temple festival is being conducted by the villagers and this year also, the villagers jointly decided to conduct the festival, with Cultural programme on 14.08.2015. In this connection, a representation was given on 22.07.2015 to the respondent police, with a request to grant permission to conduct "Cultural Programme" on 14.08.2015, however no order was passed by the respondent 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 respondent, 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 respondent, this court is of the view that necessary permission shall be granted to the petitioner and his villagers to conduct "Aadal Padal Cultural Programme" in connection with Vizhakku Poojai Aadi Festival of Arulmigu Sri Subramaniaswamy Kovil at Vaiyapuri Village, Arasamalai Post, Ponnamaravathy Taluk, Pudukkottai District.

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

(a) The cultural programme in connection with the Vizhakku Poojai Aadi Festival of Arulmigu Sri Subramaniaswamy Kovil at Vaiyapuri Village, Arasamalai Post, Ponnamaravathy Taluk, Pudukkottai District, be held on **14.08.2015** 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 respondent is directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
The Inspector of Police, Kariyur Police Station, Pudukkottai District.

+1cc to M/S.M.S.Jeyakarthick Advocate in SR.No 43033

+1cc to Special Government Pleader in SR.No. 43138.

TS/07.08.2015/2P - 4C KBM/SAR -II