



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

W.P. (MD) No.14854 of 2015

T.Sambath Kumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Thiruchendur Police station,
Tuticorin District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 14.8.2015 passed by the second respondent and quash the same and consequently to direct the respondents to grant police permission to conduct the programme namely Aadal Padal in Arulmighu Mutharamman Kovil (Kodai Vizha) festival on 19.08.2015 at the Petitioner's village, Tiruchendur Taluk, Tuticorin District.

For Petitioner : Mr.M.Jegadeeshpandian
for M/s.K.J.Associates

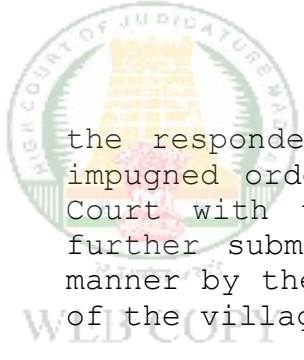
For Respondents : Mr.N.Manoharan
Special Govt.Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 14.8.2015 passed by the second respondent and quash the same and consequently to direct the respondents to grant police permission to conduct the programme namely Aadal Padal in Arulmighu Mutharamman Kovil (Kodai Vizha) festival on 19.08.2015 at the Petitioner's village, Tiruchendur Taluk, Tuticorin District.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3.The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the said Arulmighu Mutharamman Kovil (Kodai Vizha) festival, Paramankurichi, Tiruchendur Taluk, Tuticorin District, with "Aadal Padal programme" on 19.08.2015. In this connection, a representation was given to the respondent police, with a request to grant permission to conduct the programme on the above said date, however,



the respondent Police has rejected the request of the petitioner by an impugned order dated 14.08.2015 and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that as the said festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

4.The learned Special Government Pleader 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 Special Government Pleader appearing for the respondents, this Court is of the view that necessary permission shall be granted to the petitioner and his Villagers to conduct "Adal Padal programme" connection with the above said festival.

6.It is the duty of the respondents to protect law and order problem and so the reason assigned in the order impugned herein are not sustainable.

7.Accordingly, the impugned order dated 14.08.2015 is hereby set aside and the Writ Petition is disposed of with the following directions:

(a)The cultural dance programme in connection with Arulmighu Mutharamman Kovil(Kodai Vizha) festival,Paramankurichi, Tiruchendur Taluk, Tuticorin District be held on 19.08.2015 between 6.00 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 the youth

(d)No dance or songs, touching upon any political party or religion, community or case be played;

(e)No flex boards in support of any political party or religious leader be erected.

(f)The function should not affect either religious or communal harmony and shall be conducted without any discrimination based on case.

(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 empowered to stop the dance programme, if it exceeds beyond the permitted time.

(i)the participants of the programme shall not intake any kind of toxic substance or liquor during the programme;

(j)If there is any untoward incident took place, the village people and the organizers of the programme be made responsible for the same;

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

No costs.

Sd/-

Assistant Registrar



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

2.The Inspector of Police,
Thiruchendur Police station,
Tuticorin District.

+1cc to M/S.M.Jegadeeshpandian for M/s.K.J.Associates
Advocate in SR.No 47187

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