



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2015

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CORAM:
THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P (MD) No.15066 of 2015

L.Ramanathan

... Petitioner

Vs.

1. The Superintendent of Police,
Pudukottai.

2. The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 11.08.2015 passed by the second respondent and quash the same and consequently, direct the respondents to grant permission to perform the cultural programme (i.e.) Dance Programme on 28.08.2015 at 7.00 pm. to 11.00 p.m. in front of Sri Muthumariamman Temple at Ponnagaram, Manamelkudi Post, Manamelkudi Taluk, Pudukottai District.

For Petitioner : Mr.M.Navinkumar

For Respondents : Mr.K.Guru

Additional Government Pleader

O R D E R

Mr.K.Guru, learned Additional Government Pleader, takes notice for the respondents. By consent, the Writ Petition itself is taken up for final disposal.

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

3. The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 11.08.2015 passed by the second respondent and quash the same and consequently, direct the



respondents to grant permission to perform the cultural programme (i.e.) Dance Programme on 28.08.2015 at 7.00 pm. to 11.00 p.m. in front of Sri Muthumariamman Temple at Ponnagaram, Manamelkudi Post, Manamelkudi Taluk, Pudukottai District.

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4. The learned counsel appearing for the petitioner would submit that cultural dance programme is being conducted by the villagers during the above said festival period. In this connection, a representation was given to the respondents, but, the same was rejected by the impugned order dated 11.08.2015 and hence, the petitioner is before this Court with this Writ Petition. The learned counsel appearing for the petitioner would further submit that as the aforesaid festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

5. The learned Additional 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.

6. Having considered the facts and circumstances of the case, the reason assigned for rejecting the permission is unsustainable and hence, the impugned order dated 11.08.2015 is set aside.

7. Considering the rival submissions made on either side, this Court is of the view that necessary permission shall be granted to the petitioner and his Villagers to conduct cultural programme in connection with the above said festival.

8. Accordingly, the Writ Petition is disposed of with the following directions:

(a) The cultural dance programme in connection with the festival of Sri Muthumariamman Temple at Ponnagaram, Manamelkudi Post, Manamelkudi Taluk, Pudukottai District be held on 28.08.2015 between 07.00 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;

© 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 caste 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 social 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;

(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; and

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

No order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Pudukottai.

2. The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.

+1cc to Mr.M.SURESH,Advocate Sr.No. 48431

+1cc to SPL.GOVERNMENT PLEADER Sr.No.48637

AKV

AA/28.08.2015/3p-5c

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