



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.08.2015

CORAM:

THE HONOURABLE MS. JUSTICE K. KALYANASUNDARAM

WEB COPY

W.P (MD) No.15116 of 2015
and
M.P. (MD) .No.1 of 2015

R.Thirumalaikumar

... Petitioner

Vs.

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

2. The Sub-Inspector of Police,
Veerakeralampudur Police Station,
Tirunelveli 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 relating to the rejection order of the second respondent nil dated and quash the same and consequently direct the second respondent to grant permission and protection to conduct cultural musical events such as Adal Padal programme scheduled to be held at night on 31.08.2015 in the eve of Kodai Festival at Arulmigu Sri Utchimakaliamman Thirukovil at V.K.Pudur Post, Veerakeralam Pudur Taluk, Tirunelveli District.

For Petitioner : Mr.C.Joseph Sathianeson

For Respondents : Mr.K.Guru

Additional Government Pleader

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the rejection order of the second respondent nil dated and quash the same and consequently direct the second respondent to grant permission and protection to conduct cultural musical events such as Adal Padal programme scheduled to be held at night on 31.08.2015 in the eve of Kodai Festival at Arulmigu Sri Utchimakaliamman Thirukovil at V.K.Pudur Post, Veerakeralam Pudur Taluk, Tirunelveli District.

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



3. 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 second respondent, but the second respondent has rejected the request of the petitioner 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.

4. 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.

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

6. 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.

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

(a) The cultural dance programme in connection with the festival of Arulmigu Sri Utchimakaliamman Thirukovil at V.K.Pudur Post, Veerakeralam Pudur Taluk, Tirunelveli District be held on 31.08.2015 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;

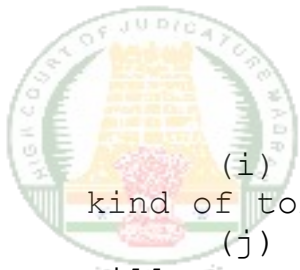
(d) No dance or songs, touching upon any political party or religion, community or caste be played;

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

(f) The function should not affect either religious or 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;

Accordingly, 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(Crl.Side)

/True copy/

Sub Assistant Registrar

akv

To

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

2. The Sub-Inspector of Police,
Veerakeralampudur Police Station,
Tirunelveli District.

+1cc to Mr.R.Pon Karathikeyan, Advocate SR NO.48412

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