



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2015

CORAM:

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.15505 of 2015

V.Karruppasamy

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thiruchuli,
Virudhunagar District.

2.The Inspector of Police,
Narikudi Police Station,
Narikudi,
Virudhunagar District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the 2nd respondent's proceedings in Na.Ka.No./Misc./NRK C.O/15 dated 22.08.2015 received on 24.08.2015 and quash the same as devoid of merits and directing the first respondent to give suitable direction to the 2nd respondent to give permission and police protection to the "Adalum Padalum" cultural program on 29.08.2015 at 07.00 p.m., to 11.00 p.m., to the petitioner's temple festival of "Sri Ayyanar Sri Ariyasamy Thirukovil Thiruviza" at Pallapati, Narikudi, Thiruchuli Taluk, Virudhunagar District.

For Petitioner : Mr.S.Selva Kumar

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

O R D E R

This writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pursuant to the 2nd respondent proceedings in Na.Ka.No./Misc./NRK C.O/15 dated 22.08.2015 received on 24.08.2015 and quash the same as devoid of merits and directing the first respondent to give suitable direction to the 2nd respondent to give permission and police protection to the "Adalum Padalum" cultural program on 29.08.2015 at 07.00 p.m., to 11.00 p.m., to the petitioner's temple festival of "Sri Ayyanar Sri Ariyasamy Thirukovil Thiruviza" at Pallapati, Narikudi, Thiruchuli Taluk, Virudhunagar District.



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

3. Learned counsel for the petitioner would submit that the petitioner is the Organizer of the Thiruvizha Festival Committee of temple at Sri Ayyanar Sri Ariyasamy Thirukovil Thiruviza"at Pallapati, Narikudi, Thiruchuli Taluk, Virudhunagar 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 "Adalum Padalum" on 29.08.2015. In this connection, a representation was given on 18.08.2015 to the respondents police, with a request to grant permission to conduct "Adalum Padalum". The second respondent has passed impugned order dated 22.08.2015, 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.

4. The only objection raised is that permission if granted would lead to law and order problem. From the order passed by the second respondent there was no indication that law and order problem would be arisen. 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.

5. Accordingly, the impugned order is set aside and the writ petition is allowed and the petitioner is permitted to conduct 'Adalum Padalum' in connection with the temple festival of Sri Ayyanar Sri Ariyasamy Thirukovil Thiruviza"at Pallapati, Narikudi, Thiruchuli Taluk, Virudhunagar District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Sri Ayyanar Sri Ariyasamy Thirukovil Thiruviza"at Pallapati, Narikudi, Thiruchuli Taluk, Virudhunagar District, be held on 29.08.2015 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



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(h) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time.

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

No costs.

Sd/-

Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Thiruchuli,
Virudhunagar District.

2. The Inspector of Police,
Narikudi Police Station,
Narikudi,
Virudhunagar District.

+1cc to Mr.S.Selvakumar, Advocate SR.No.49471

+1cc to Special Govt.Pleader SR.No.49713

W.P (MD) No.15505 of 2015
27.08.2015

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