



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2015

**CORAM:
THE HONOURABLE MR.JUSTICE T.RAJA**

W.P(MD)No.15540 of 2015

A.Ganesan

... Petitioner

Vs.

The Sub-Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.

... Respondent

Prayer: Petition 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 passed by the respondent in his proceedings dated 26.07.2015 and quash the same as illegal, consequently, directing the respondent to permit the petitioner to conduct the cultural function viz., Aadal Padal during the temple festival of Arulmigu Pathirakaliamman Thiru Kovil, Pudhupatti Alangulam Taluk, Tirunelveli District on 05.09.2015 between 07.00 p.m., to 12.00 p.m., and further direct the respondent to give police protection for the above said programme.

For Petitioner : Mr.S.S.Thesigan
For Respondent : 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 pertaining to the impugned order passed by the respondent in his proceedings dated 26.07.2015 and quash the same as illegal, consequently, directing the respondent to permit the petitioner to conduct the cultural function viz., Aadal Padal during the temple festival of Arulmigu Pathirakaliamman Thiru Kovil, Pudhupatti Alangulam Taluk, Tirunelveli District on 05.09.2015 between 07.00 p.m., to 12.00 p.m., and further direct the respondent to give police protection for the above said programme.

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



3. Learned counsel for the petitioner would submit that there is a famous temple at Arulmigu Pathirakaliamman Thiru Kovil, Pudhupatti Alangulam Taluk, Tirunelveli 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 "Aadal Padal" on 05.09.2015. In this connection, a representation was given on 26.07.2015 to the respondent police, with a request to grant permission to conduct "Aadal Padal". The respondent has passed impugned order dated 26.07.2015, 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 likely 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 'Aadal Padal' in connection with the temple festival of Arulmigu Pathirakaliamman Thiru Kovil, Pudhupatti Alangulam Taluk, Tirunelveli District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Arulmigu Pathirakaliamman Thiru Kovil, Pudhupatti Alangulam Taluk, Tirunelveli District, be held on 05.09.2015 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 (Per.Admn.)

/True Copy/

Sub Assistant Registrar

To

The Sub-Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.

+1cc to Mr.S.S.Thesigan, Advocate Sr.No.49850

+1cc to The Special Government Pleader Sr.No.49707

akm/31.08.2015 /2p-4c/

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