



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.9.2015

CORAM:

THE HONOURABLE Ms.JUSTICE R.MALA

W.P.(MD)No.17285 of 2015

WEB COPY

K.Jeyaraj

...Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
G-2, Palanganatham Police Station,
Madurai District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to grant permission and protection for Adal Padal programme in "Urchava Thiruvizha" scheduled to be held on 11.10.2015 at Arulmigu Sri Ayyanar Thirukovil at Ayyanarpuram Main Veethi, Muthupatti, Madurai.

For Petitioner : Mr.R.Karthic Rajan
For Respondents : Mr.N.Manoharan,
Special Government Pleader

O R D E R

Mr.N.Manoharan, learned Special 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 Special Government Pleader appearing for the Respondents.

3. The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to grant permission and protection for Adal Padal programme in "Urchava Thiruvizha" scheduled to be held on 11.10.2015 at Arulmigu Sri Ayyanar Thirukovil at Ayyanarpuram Main Veethi, Muthupatti, Madurai.

4. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the said festival with Adal Padal (music concert) on 11.10.2015. In this connection, a representation was given to the respondents police, with a request to grant permission to conduct the programme on the above said date, however, the respondents Police have rejected the request of the petitioner and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner would further submit 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.

5.The learned Special Government Pleader appearing for the respondents, 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.

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 allowed with the following directions:

(a) The cultural programme (music concert) in connection with Arulmigu Sri Ayyanar Thirukovil festival be held on 11.10.2015 between 07.30 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 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; and

(h) Similarly, the Police is empowered to stop the cultural 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 is directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Police, Madurai City, Madurai.

2. The Inspector of Police, G-2, Palanganatham Police Station, Madurai District.

3. Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Karthick Rajan, Advocate in SR.56330

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