



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

W.P (MD) No.17574 of 2015

S.Jothi Venkatachalam

: Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Subramaniapuram, Trichy District.

2.The Inspector of Police,
Thuvarankurichi Police Station,
Thuvarankurichi,
Trichy District.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent proceedings dated 27.09.2015 and quash the same and consequentially direct the second respondent to permit the petitioner to conduct Aadal Padal Orchestra Programme on 2.10.2015 in connection with the Thiruvizha Celebration of Sri Arulmigu Bhoothanayagi Amman Temple, Thuvarankurichi, Marungapuri Taluk, Trichy District and pass such further or other orders as this Court may deem fit and proper in the circumstances of this case.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.N.Manoharan,
Special Government Pleader

ORDER

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 Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent proceedings dated 27.09.2015 and quash the same and consequentially direct the second respondent to permit the petitioner to conduct Aadal Padal Orchestra Programme on 2.10.2015 in connection with the Thiruvizha Celebration of Sri Arulmigu

Bhoothanayagi Amman Temple, Thuvarankurichi, Murungapuri Taluk, Trichy District.

4. The learned counsel appearing for the Petitioner would submit that cultural programme is being conducted by the villagers during the above said festival period. In this connection, a representation was given to the second respondent and the second respondent passed impugned order dated 27.09.2015 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. Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, this Court is of the view that necessary permission shall be granted to the petitioner and his Villagers to conduct cultural dance programme in connection with "Thiruvizha" scheduled to be beheld on 02.10.2015 at Arulmigu Sri Bhoothanayagi Amman Temple, Thuvarankuruchi, Marugapuri Taluk, Trichy District between 7.00 p.m and 10.30 p.m.

6. Since the reasons assigned in the impugned order are unsustainable, the impugned order dated 27.09.2015 is hereby set aside and the Writ Petition is disposed of with the following directions:

(a) The cultural programme scheduled to be beheld on 07.10.2015 at Arulmigu Sri Bhoothanayagi Amman Temple, Thuvarankuruchi, Marugapuri Taluk, Trichy District between 7.00 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 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;

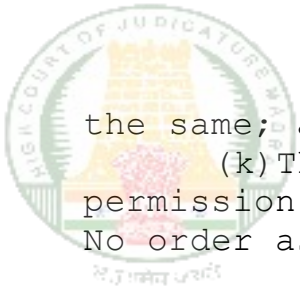
(f) The function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(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;

(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 ~~drugs or intoxicants~~ 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, connected M.P. is closed.

Sd/-

Assistant Registrar (AS)

WEB COPY

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Subramaniapuram, Trichy District.

2. The Inspector of Police,
Thuvarankurichi Police Station,
Thuvarankurichi,
Trichy District.

+one cc to Mr. N. Ananda Kumar, Advocate in SR.No.57336

Order made in
W.P (MD) No.17574 of 2015
Dated:- 29.09.2015

CSL/SKS-RR/29.09.2015

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