



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

W.P. (MD) No.18437 of 2015

R.Neethirajan

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District, Theni

2.The Sub Inspector of Police,
Varusanadu Police Station, Varusanadu,
Theni District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the impugned order dated 30.09.2015 passed by the 2nd respondent and quash the same and directing the respondents to grant permission and necessary protection to perform the cultural programme ie., dance programme on 13.10.2015 at 6.00 pm to 10.30 pm in the eve of Arulmighu Manthaiamman Kovil at Singarajapuram Village, Andipatti Taluk, Theni District.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr.N.Manoharan, Spl.G.P.

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 Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the impugned order dated 30.09.2015 passed by the 2nd respondent, quash the same and directing the respondents to grant permission and necessary protection to perform the dance programme on 13.10.2015 at 6.00 pm to 10.30 pm in the eve of Arulmighu Manthaiamman Kovil at Singarajapuram Village, Andipatti Taluk, Theni District.

4.The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the above said temple festival with dance programme on 13.10.2015. In this connection, a representation was given to the 2nd respondent, with a request to grant permission to conduct the programme on the above said date, however, the same has been rejected by the above said impugned order 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.

WEB COPY

5.The learned Special 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.

6.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.

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 dance programme on 13.10.2015 in connection with the above said Temple festival.

8. Accordingly, the Writ Petition is allowed with the following directions:

(a)The dance programme in connection with above said temple festival be held on 13.10.2015 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;

(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 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;

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

No costs.

Sd/-

Assistant Registrar



To

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

2.The Sub Inspector of Police,
Varusanadu Police Station, Varusanadu,
Theni District.

+1cc to M/S.V.Mani Kandan, Advocate in SR.No. 60006

+1cc to Special Government Pleader in SR.No. 60138.

TS/12.10.2015/3P - 5C NGM-SS/SAR -II

W.P. (MD) No.18437 of 2015

09.10.2015