



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

W.P(MD)No.19091 of 2015

M.Mahalingam

: Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Thiruchuli Sub Division,
Thiruchuli, Virudhunagar District.

3.The Inspector of Police,
Thiruchuli Sub Division,
Thiruchuli,
Virudhunagar 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 adequate police protection to the petitioner's villagers to conduct Mulaipari Procession from Pacheri Village to Thiruchuli Kundar River via Karuppasamy Temple, Vellai Vinayagar Temple, Sri Sulichiamman Temple, Sri Mariamman Temple on the eve of Sri Mariamman Temple Festival, T.Patcheri, Thiruchuli Taluk on 21.10.2015 and cultural programme I.e., Adalum Padalum on 22.10.2015 based on the petitioner's representation, dated 13.10.2015.

For Petitioner : Mr.R.Singaravelan
For Mr.G.Thalaimutharasu

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.



3. The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to grant permission and adequate police protection to the petitioner's temple to conduct the 'Mulaipari Procession', from Pacheri Village to Thiruchuli Kundar River via Karuppasamy Temple, Vellai Vinayagar Temple, Sri Sulichiamman Temple, Sri Mariamman Temple, on the eve of Sri Mariamman Temple Festival, T.Patcheri, Thiruchuli Taluk on 21.10.2015 and cultural programme I.e., 'Adalum Padalum' on 22.10.2015 based on the petitioner's representation, dated 13.10.2015.

4. The learned counsel appearing for the Petitioner would submit that the petitioner has given a representation dated 13.10.2015, to the respondents, seeking necessary permission and police protection to the petitioner, to organize the "Mulappari" procession and 'Adalum Padalum', finding no response from the respondents, the Petitioner is before this Court with this Writ Petition, for the aforesaid relief.

5. Mr.N.Manoharan, the learned Special Government Pleader appearing for the Respondents, on instructions, would submit that the representation of the petitioner has been considered by the respondents and an order has been passed on 15.10.2015, by granting permission to organize the said 'Mulaipari' procession, by modifying the route from Pacheri to Thiruchuli Kundar River via., Thiruchuli East Car Street, Police station, Disco Hotel, State Bank instead, from Pacheri Village to Thiruchuli Kundar River via Karuppasamy Temple, Vellai Vinayagar Temple, Sri Sulichiamman Temple, Sri Mariamman Temple, on the eve of 'Sri Mariamman Temple Festival', on 21.10.2015 and the timing for procession is 4.00 p.m., to 6.00 p.m., since, it will create hindrance to the general public and also the traffic. Advancing his argument, the learned Special Government Pleader would further submit that there is no change in the starting and destination point of the 'Mulaipari' procession. Continuing his argument, he would further submit that insofar as the programme, 'Adalum Padaulm' is concerned, the respondents have refused to grant such permission stating that it is a sensitive area and if permission is granted, it will create law and order problem.

6. At this juncture, the learned counsel for the petitioner fairly submitted that the procession would be started from the route, as permitted by the respondents.

7. Considering the submissions made on either side, I am of the view that the order, dated 15.10.2015, passed by the 2nd respondent in respect of rejection of cultural dance programme is hereby set aside as unsustainable and insofar as the conduct of Mulaipari procession is concerned, the order dated 15.10.2015, is hereby confirmed. Therefore, the respondents are directed to give police protection to the petitioner, to organize said "Mulappari" procession, from Pacheri, to Thiruchuli Kundar River, via Thiruchuli East Car Street, Police station, Disco Hotel, State Bank instead, from Pacheri Village to Thiruchuli Kundar River via Karuppasamy Temple, Vellai Vinayagar Temple, Sri Sulichiamman Temple, Sri Mariamman Temple, on the eve of 'Sri Mariamman Temple Festival',



on 21.10.2015 and the timing for procession is from 3.00 p.m., to 6.00 p.m.,

8. Insofar as the program, "Adalum Padalum" is concerned, even though the respondents have rejected the same, I am of the opinion, that the petitioner Temple may be permitted to conduct the said programme, on 22.10.2015, in connection with the above said festival, of course, subject to the following conditions:-

(a) The Adal Padal Programme in connection with the festival of the above said Temple, be held on 22.10.2015 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;

(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 (C.O.)

/True Copy/

Sub Assistant Registrar



To

- 1.The Superintendent of Police,
Virudhunagar District, Virudhunagar.
- 2.The Deputy Superintendent of Police,
Thiruchuli Sub Division,
Thiruchuli, Virudhunagar District.
- 3.The Inspector of Police,
Thiruchuli Sub Division,
Thiruchuli,
Virudhunagar District.

+1cc to Mr.G.Thalaimutharasu, Advocate Sr.No.61983

akm/16.10.2015 /4p-5c/

Order made in
W.P(MD)No.19091 of 2015
Dated:- 16.10.2015