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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P.(MD)No.3546 of 2015

G.Baskaran

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Bodi Town Police Station,
Bodinayakanur,
Theni District.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the rejection order of the respondent in C.No.14/MIKE/GIPS/2015, dated 09.03.2015 and quash the same and consequently, direct the respondent to grant permission and protection to perform Adal Padal program scheduled to be held on 25.03.2015 in "Panguni Thiruvizha" at Bodinayakanur, Vellaiyappa Street, Sri Madhu Nanthavana Kaliyamman Temple at 27 Ward Vellaiyappan Street, Bodinayakanur, Theni District.

For Petitioner : Mr.K.Veilmuthu

For Respondents : Mr.M.Alagathevan, Spl.G.P.

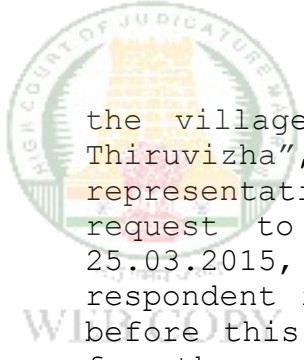
O R D E R

(Order of this Court was made by **S.TAMILVANAN,J.**)

This Writ petition has been filed invoking Article 226 of the Constitution of India, seeking an order in the nature of Writ of Certiorarified Mandamus, calling for the records relating to the rejection order of the second respondent in C.No.14/MIKE/GIPS/2015, dated 09.03.2015 and quash the same and consequently, direct the respondents to grant permission and protection to perform "Aadal Paadal" program scheduled to be held on 25.03.2015 in "Panguni Thiruvizha" at Bodinayakanur, Vellaiyappa Street, Sri Madhu Nanthavana Kaliyamman Temple at Ward-27, Vellaiyappan Street, Bodinayakanur, Theni District.

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

3.Learned counsel appearing for the petitioner would submit that every year "Panguni Thiruvizha" at Bodinayakanur Sri Madhu Nanthavana Kaliyamman Temple is being conducted by the villagers and this year also,



the villagers jointly decided to conduct the village temple "Panguni Thiruvizha", with 'cultural programme'. In this connection, a representation was given on 09.03.2015 to the second respondent, with a request to grant permission to conduct 'Aadal Paadal' programme on 25.03.2015, however, by the impugned order dated 09.03.2015 the second respondent rejected the said representation and hence, the petitioner is before this Court with this Writ petition. The learned counsel appearing 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.Mr.M.Alagathevan, 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.

5.Having considered the facts and circumstances and the submissions made by the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents, we are of the view that necessary permission shall be granted to the petitioner and his villagers to conduct 'Aadal Paadal' programme in connection with "Panguni Thiruvizha" at Bodinayakanur Sri Madhu Nanthavana Kalamman Temple on 25.03.2015 between 6.00 p.m. and 10.30 p.m., however, with conditions.

6.Accordingly, the Writ petition is disposed of with the following directions:

(a)The cultural programme in connection with "Panguni Thiruvizha" at Bodinayakanur, Vellaiyappa Street, Sri Madhu Nanthavana Kalamman Temple at Ward-27, Vellaiyappan Street, Bodinayakanur, Theni District be held on 25.03.2015 between 6.00 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 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 dance programme, if it exceeds beyond the permitted time.



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3

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

No order as to costs.

Sd/-

Assistant Registrar (Per. Admn)

\\True copy\\

Sub Assistant Registrar

To

1. The Superintendent of Police,
Theni District.

2. The Inspector of Police,
Bodi Town Police Station,
Bodinayakanur,
Theni District.

+1cc to MR.K.VEILMUTHU, ADVOCATE SR.NO.12940

W.P. (MD) No.3546 of 2015
18.03.2015

NBJ

NA/20/03/2015/P3/4C