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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.03.2015
CORAM:
THE HONOURABLE DR.JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR.JUSTICE V.S.RAVI
W.P(MD)No.3689 of 2015

M.Palani ... Petitioner

Vs.

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

2.The Inspector of Police,
Uthapanayakanoor Police Station,
Uthapanayakanoor,
Madurai District. ... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to grant permission and necessary protection to perform the cultural programme (ie.,) dance programme on 18.03.2015 at 7.00 p.m in the festival of Arulmighu Manthaiamman Kovil, at Kalyanapatti Village, Usilampatti Taluk, Madurai District and to pass such further or other orders as this Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr.M.Alagathevan,
Special Government Pleader.

ORDER

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

This writ petition has been filed as a Public Interest Litigation (PIL), invoking Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus, directing the respondents to grant permission and necessary protection to perform the cultural programme (ie.) Dance Programme, on 18.03.2015 at 7.00 p.m., in the festival of Arulmighu Manthaiamman Kovil, at Kalyanapatti Village, Usilampatti Taluk, Madurai District.

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

3.Learned counsel for the petitioner would submit that the petitioner is the Secretary of Festival Committee of Arulmighu Manthaiamman Kovil, at Kalyanapatti Village, Usilampatti Taluk, Madurai District and every year temple festival is being conducted by the villagers and this year also, the villagers jointly decided to conduct

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the village temple festival, with 'cultural programme' on 18.03.2015. In this connection, a representation was given on 10.03.2015 to the 2nd respondent, with a request to grant permission to conduct 'Cultural Programme on 18.03.2015, however no order was passed by the 2nd respondent on the said representation and hence the petitioner is before this Court with this writ petition. The learned counsel 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 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 'cultural programme' in connection with Arulmighu Manthaiamman Kovil, at Kalyanapatti Village, Usilampatti Taluk, Madurai District, on 18.03.2015 between 6.00 p.m. and 10.30 p.m., however, with the following conditions:-

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

(a)The cultural programme in connection with Arulmighu Manthaiamman Kovil, at Kalyanapatti Village, Usilampatti Taluk, Madurai District festival be held on 18.03.2015 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, 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 entitled to stop the dance programme, if it exceeds beyond the permitted time.

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

No order as to costs.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Uthapanayakanoor Police Station,
Uthapanayakanoor,
Madurai District.

+1cc to Mr.V.Manikandan,Advocate, SR.No.12511

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