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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.03.2015
CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P(MD)No.4100 of 2015

V.Annakodi ... Petitioner

Vs.

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

2.The Inspector of Police,
Allinagaram Police Station,
Theni District. ... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the rejection order of the 2nd respondent in C.No. 25/MLR/B2 P.S/15 dated 16.03.2015 and quash the same and consequently direct the respondents to grant permission and protection for Adal Padal Program in connection with "Panguni Utchava Thiruvizha" scheduled to be held on 25.03.2015 at Arulmigu Sri Mandhayamman Thirukovil at Pinnathevanpatti Village, Theni District.

For Petitioner : Mr.R.Karthic Rajan
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 to quash the impugned order dated 16.03.2015 passed by the second respondent refusing to grant permission to conduct cultural programme and to direct the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) Dance Programme on 25.03.2015 in connection with the Panguni Urchava Festival in Arulmigu Sri Mandhayamman Thirukovil at Pinnathevanpatti Village, Theni 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 member of Festival Committee of Panguni Urchava Festival in Arulmigu Sri Mandhayamman Thirukovil at Pinnathevanpatti Village, Theni District and every year temple festival is being

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conducted by the villagers and this year also, the villagers jointly decided to conduct the village temple festival, with 'cultural programme' on 25.03.2015. In this connection, a representation was given on 16.03.2015 to the 2nd respondent, with a request to grant permission to conduct 'Cultural Programme on 03.04.2015, however, the second respondent passed the impugned order refusing to grant permission to conduct 'cultural programme' 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 Panguni Urchava Festival in Arulmigu Sri Mandhayamman Thirukovil at Pinnathevanpatti Village, Theni District 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 impugned order is set aside. The cultural programme in connection with Arulmigu Sri Mandhayamman Thirukovil at Pinnathevanpatti Village, Theni District, festival 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 or community or caste be played.

(e)No flex boards in support of any political party or communal 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 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 (AS)

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Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Allinagaram Police Station,
Theni District.

+1cc to Mr.R.KARTHICK RAJAN, Advocate, in SR. No. 14028

+1cc to The Spl.Govt.Pleader Sr.No.14188

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23.03.2015

sms

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