



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2015

CORAM:

THE HONOURABLE Dr. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No.4187 of 2015

D.Malaisamy

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Sub Inspector of Police,
Kadamalaikundu Police Station, Kadamalaikundu,
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 impugned order dated 12.03.2015 passed by the second respondent and quash the same and directing the respondents to grant permission and necessary protection to perform the cultural programme(i.e) dance programme on 01.04.2015 at 7.00 p.m. to 10.30 p.m. in the festival of Arul Mighu Manthisunai Kalamman Kovil at Manthisunai Village, Andipatti Taluk, Theni District.

For Petitioner : Mr.C.Benthnasamy

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

ORDER

(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 impugned order dated 12.03.2015 passed by the second respondent and quash the same and directing the respondents to grant permission and necessary protection to perform the cultural dance programme on 01.04.2015 at 7.00 p.m. to 10.30 p.m. in the festival of Arul Mighu Manthisunai Kalamman Kovil at Manthisunai Village, Andipatti Taluk, 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 cultural dance is being conducted by the villagers during the above said festival period. In this connection, a representation was given to the 2nd respondent with a request to grant permission to conduct cultural dance programme, however, the same was rejected by the 2nd respondent by order dated 12.03.2015 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 cultural dance programme in connection with the festival of Arul Mighu Manthisunai Kaliyamman Kovil at Manthisunai Village, Andipatti Taluk, Theni District, with reasonable conditions.

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

(a) The cultural dance programme in connection with the festival of Arul Mighu Manthisunai Kaliyamman Kovil at Manthisunai Village, Andipatti Taluk, Theni District be held on 01.04.2015 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 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 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 (Per Admn.)

/TRUE COPY/

Sub Assistant Registrar



To

1. The Superintendent of Police,
Theni District.

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

+1cc to Mr.C.Bethanasamy, Advocate, SR.No.14679

W.P. (MD) No.4187 of 2015
24.03.2015

nbg

PA/25.03.2015/3P/4C (IT)