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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2015

CORAM:

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

W.P.(MD)No.4288 of 2015

G.Krishnan ... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Thuvarankurichi Police Station,
Trich District. ... Respondents

**PRAYER:** The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to give permission for conducting Orchestra programme on 29.03.2015 and give adequate police protection for peaceful performance of Panguni Pongal festival scheduled to be conducted in Arulmigu Mariamman Temple at K.Kallupatti, Trichy District on the basis of the petitioner's representation dated 21.03.2015.

For Petitioner : Mr.T.Vadivelan

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 Mandamus, directing the respondents to give permission for conducting Orchestra programme on 29.03.2015 and give adequate police protection to perform Panguni Pongal festival in Arulmigu Mariamman Temple at K.Kallupatti, Trichy District on the basis of the petitioner's representation dated 21.03.2015.

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

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3.Learned counsel appearing for the petitioner would submit that Orchestra programme is being conducted by the villagers during the above said festival period. In this connection, a representation was given to the respondents, however, the same was not considered by the respondents so far 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 Orchestra programme in the aforesaid Temple with reasonable conditions.

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

(a)The Orchestra programme in connection with Panguni Pongal festival in Arulmigu Mariamman Temple at K.Kallupatti, Trichy District be held on 29.03.2015 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 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.

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(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.

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No order as to costs.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Thuvarankurichi Police Station, Trichy District.

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