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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P(MD)No.4469 of 2015

Saravanan

... Petitioner

Vs.

1.The Superintendent of Police,
Theni.

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

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the records of the 2nd respondent dated 24.03.2015 and to quash the same and consequentially direct the 2nd respondent to grant permission to conduct the traditional dance program on 08.04.2015 at 06.30 p.m in pursuance of the temple festival of the Arulmigu Kaliyamman Kovil situated at Aalnththalir Village, Moolakkadi Post, Andipatty Taluk, Theni District.

For Petitioner : Mr.D.Malaichamy

For Respondents : Mr.M.Alagadevan,
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 24.03.2015 passed by the respondent refusing to grant permission to conduct cultural programme and consequently to direct the second respondent to grant permission and necessary protection to perform the cultural programme (i.e.) Dance Programme on 08.4.2015 in connection with the Festival in Arulmigu Kaliyamman Kovil, Aalnththalir Village, Moolakkadi Post, Aundipatty 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 for the petitioner would submit that the petitioner is a member of Festival Committee in Arulmigu Kalamman Kovil, Aalnththalir Village, Moolakkadi Post, Aundipatty Taluk, Theni District and every year temple festival is being conducted by the villagers and this year also, the villagers jointly decided to conduct the village temple festival, with 'cultural programme' on 08.04.2015. In this connection, a representation was given on 24.03.2015 to the 2nd respondent, with a request to grant permission to conduct 'Cultural Programme on 08.04.2015, 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 Urvaha Festival in Arulmigu Kalamman Kovil, Aalnththalir Village, Moolakkadi Post, Aundipatty Taluk, Theni District on 08.04.2015 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 impugned order is set aside. The cultural programme in connection with Arulmigu Kalamman Kovil, Aalnththalir Village, Moolakkadi Post, Aundipatty Taluk, Theni District, festival be held on 08.04.2015 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 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.



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(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.

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

+1cc to Mr. D. Malaichamy, Advocate, SR.No.14862

+1cc to Special Govt. Pleader SR.No.15491

W.P (MD) No.4469 of 2015
26.03.2015

sms

PA/30.03.2015/3P/5C (IT)