



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2015

CORAM:

THE HONOURABLE Mr. JUSTICE M.M. SUNDRESH

Writ Petition (MD) No.5092 of 2015

K.Duraipandi

... Petitioner

Vs.

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

2. The Sub-Inspector of Police,
Gandamanur Police Station,
Gandamanur,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned letter dated 01.04.2015 of the second respondent and to quash the same, consequently directing the 2nd respondent to grant permission and necessary protection to perform the cultural programme (i.e.) Adal Padal on 10.04.2015 at 06.30p.m. in the eve of Arulmighu Sri Kaliyamman Temple, "Thiru Vizha" at G.Usilampatti Village, Andipatti Taluk, Theni District.

For Petitioner : Mr.C.Bethanasamy

For Respondents: Mr.M.Murugan
Government Advocate

ORDER

The Writ Petition has been filed by the petitioner against the impugned order passed by the second respondent by rejecting the petitioner's request for conducting cultural programme on the ground of alleged law and order problem.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate, who takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. It is seen that there is no untoward incident occurred for the past ten years. Though in the impugned order it is stated that there is a likelihood of law and order problem, there is no material to substantiate the same.

5. Accordingly, the impugned order passed by the second respondent is set aside and the Writ Petition stands allowed, subject to

<https://hdsrce.fednet.gov.in/cse/cas>

(a) The cultural programme in connection with Arulmighu Sri Kaliyamman Temple, "Thiru Vizha" at G.Usilampatti Village, Andipatti



Taluk, Theni District festival to be held on 10.04.2015 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.

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

(ii) It is also open to the second respondent to impose any other conditions apart from the conditions enumerated herein. No costs.

Sd/-

Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar

To

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

2. The Sub-Inspector of Police,
Gandamanur Police Station,
Gandamanur,
Theni District.

+1cc to Mr.C.Bethanasamy, Advocate, SR.No.17579

+1cc to Special Govt.Pleader SR.No.17517

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