



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P(MD)No.5093 of 2015

M.Rasu

... Petitioner

Vs.

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

2.The Inspector of Police,
Chinnamanur Police Station,
Uthamapalaysm Taluk,
Theni District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e) Adal Padal on 25.04.2015 at 06.30 p.m. in the eve of "Arulmighu Sri Karuppasamy Kaliyamman Temple", Thiruvizha at Muthalapuram, M.Druaisampuram Village, Uthamapalayam Taluk, Theni District.

For Petitioner : Mr.C.Bethanasamy

For Respondents : Mr.M.Murugan

Government Advocate

O R D E R

This writ petition has been filed seeking for the issuance of Writ of Mandamus, directing the respondents herein to consider the petitioner's representation on 31.03.2015 and thereby grant permission to conduct the "Adal Padal Programme" to be held on 25.04.2015 at about 06.30 p.m. for the temple festival of "Arulmighu Sri Karuppasamy Kaliyamman Temple", Thiruvizha at Muthalapuram, M.Druaisampuram Village, Uthamapalayam Taluk, Theni District.

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

3.Learned counsel for the petitioner would submit that the petitioner is the member of Festival Committee of "Arulmighu Sri Karuppasamy Kaliyamman Temple", Thiruvizha at Muthalapuram, M.Druaisampuram Village, Uthamapalayam 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 "Aadal Padal programme" programme on 25.04.2015. In this connection, a representation was given on 31.03.2015 to the second respondent, with a request to grant permission to conduct "Adal Padal Programme" on 25.04.2015, however no order was passed by the second respondent on the said representation 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.Murugan, learned Government Advocate 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 Government Advocate appearing for the respondents, this court is of the view that necessary permission shall be granted to the petitioner and his villagers to conduct 'Adal Padal programme' in connection with the temple festival of "Arulmighu Sri Karuppasamy Kaliyamman Temple", Thiruvizha at Muthalapuram, M.Druaisampuram Village, Uthamapalayam Taluk, Theni District, however, with the following conditions:-

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

(a)The cultural programme in connection with temple Festival at "Arulmighu Sri Karuppasamy Kaliyamman Temple", Thiruvizha at Muthalapuram, M.Druaisampuram Village, Uthamapalayam Taluk, Theni District, be held on 25.04.2015 **between 06.00 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 costs.

Sd/-
Assistant Registrar

\\True copy\\

Sub Assistant Registrar(C.S)

To

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



2.The Inspector of Police,
Chinnamanur Police Station,
Uthamapalaysm Taluk,
Theni District.

+1cc TO C.Bethanasamy ADVOCATE SR.NO. 17580

+1cc TO SPECIAL GOVERNMENT PLEADER SR.NO. 17518

TS/13.04.2015/3P-5C

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