



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P (MD) No.5186 of 2015

WEB COPY

P.Ramasamy

...Petitioner

Vs.

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

2.The Sub Inspector of Police,
Chinnamanoor Police Station,
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 with necessary protection to celebrate annual festival for Arulmigu AgniKalleswari Thiru Kovil situated in Ward No.4, 2nd Street, Gandhi Nagar Colony, Chinnamanoor, Theni District to be held from 7.4.2015 to 9.4.2015, based on the representation dated 4.4.2015 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.Baskar Mathuram

For Respondents : Mr.R.Karthikeyan
Addl.Government Pleader

ORDER

This writ petition has been filed seeking for the issuance of Writ of Mandamus, directing the respondents to grant permission with necessary protection to celebrate annual festival for Arulmigu AgniKalleswari Thiru Kovil situated in Ward No.4, 2nd Street, Gandhi Nagar Colony, Chinnamanoor, Theni District to be held from 07.4.2015 to 09.4.2015, based on my representation dated 04.04.2015.

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 Arulmigu AgniKalleswari Thiru Kovil situated in Ward No.4, 2nd Street, Gandhi Nagar Colony, Chinnamanoor, 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 07.04.2015 to 09.04.2015. In this connection, a representation was given on 04.04.2015 to the respondent police, with a request to grant permission to conduct "Aadal Padal Programme" on 07.04.2015 to 09.04.2015, however no order was passed on 04.04.2015. The petitioner has filed this writ petition 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. Heard the learned Additional Government Pleader appearing for the respondents.

5. The only objection raised is that the passage is very narrow. The learned counsel for the petitioner submitted that all the years there was no trouble and an undertaking has also been given by the petitioner that condition imposed by this Court shall be complied with. Accordingly, this Court is inclined to direct the respondent to permit the petitioner to conduct festival subject to the conditions that are to be imposed.

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

(a) The cultural programme in connection with temple Festival at "Sree Kaliyamman Thirukovil", Akkaraipatti, be held on 07.04.2015 to 09.04.2015 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(AS)

/TRUE COPY/

Sub Assistant Registrar

To,

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

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

+1cc to Mr. S. Baskar Mathuram, Advocate, SR.No.17570

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