



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P (MD) No.5223 of 2015

WEB COPY

A.Raju

...Petitioner

Vs.

1.The Superintendent of Police,
Theni District,

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

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the rejection order of the second respondent dated 02.04.2015 and quash the same and consequently direct the respondents to grant permission and protection for cultural program in connection with 'Thiruvizha' scheduled to be held on 10.4.2015 at Arulmigu Sri Kaliyamman Thirukovil at Manthisunai Moolakkadai, Andipatti Taluk, Theni District and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.R.Karthikeyan
Government Advocate

O R D E R

This writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the rejection order of the second respondent dated 02.04.2015 and quash the same and consequently direct the respondents to grant permission and protection for cultural program in connection with 'Thiruvizha' scheduled to be held on 10.4.2015 at Arulmigu Sri Kaliyamman Thirukovil at Manthisunai Moolakkadai, Andipatti 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 the Vizha committee of temple at Arulmigu Sri Pathirakaliyamman Thirukovil at Arulmigu Sri Kaliyamman Thirukovil at Manthisunai Moolakkadai, Andipatti 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" on 10.04.2015. In this connection, a representation was given on 02.04.2015 to the second respondent police, with a request to grant permission to conduct "Aadal Padal Programme". The learned counsel for the respondent has passed impugned order rejecting the petitioner's request 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.The only objection raised is that permission if granted likely would lead to law and order problem. From the order passed by the second respondent there was no indication that law and order problem would be arisen. It is for the respondent to impose any condition to maintain law and order problem. It is not as if there was any prior untoward occurrence in the conduct of the programme.

5.Accordingly, the impugned order is set aside and the writ petition is allowed and the petitioner is permitted to conduct 'Adal Padal programme' in connection with the temple festival of Arulmigu Sri Pathirakaliamman Thirukovil at Arulmigu Sri Kaliamman Thirukovil at Manthisunai Moolakkadai, Andipatti Taluk, Theni District,however, with the following conditions:-

(a)The cultural programme in connection with temple Festival at Arulmigu Sri Pathirakaliamman Thirukovil at Arulmigu Sri Kaliamman Thirukovil at Manthisunai Moolakkadai, Andipatti Taluk, Theni District , be held on 10.04.2015 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(T&P)

/TRUE COPY/

Sub Assistant Registrar

To,

1.The Superintendent of Police, Theni District,

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

+1cc to Mr.R.Karthick Rajan,Advocate, SR.No.17631