



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P (MD) No.5464 of 2015

WEB COPY

P.Jeyaprakash

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District,

2.The Inspector of Police,
Bodinayakanur Rural 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 give permission to conduct the cultural program namely "Adalum Padalum" on 15.04.2015 in connection with "Arulmigu Sri Muthu Murugan Swamy Temple Festival" at Silamalai Village, Bodinayakanur Taluk, Theni District and to provide adequate security to the said program.

For Petitioner : Mr.A.K.Manickam

For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

O R D E R

This writ petition has been filed seeking for the issuance of Writ of Mandamus, directing the respondents to give permission to conduct the cultural program namely "Adalum Padalum" on 15.04.2015 in connection with "Arulmigu Sri Muthu Murugan Swamy Temple Festival" at Silamalai Village, Bodinayakanur Taluk, Theni District and to provide adequate security to the said program.

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

3.Learned counsel for the petitioner would submit that the petitioner is in-charge of the Festival Committee, and every year, the temple festival of "Arulmigu Sri Muthu Murugan Swamy Temple Festival" at Silamalai Village, Bodinayakanur Taluk, Theni District, is being conducted by the villagers and this year also, the villagers jointly decided to conduct the village temple festival, with "Adalum Padalum" programme on 15.04.2015. In this connection, a representation was given on 07.04.2015 to the second respondent, with a request to grant permission to conduct "Adalum Padalum" Programme on 15.04.2015, however the representation was denied by the respondents 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 being conducted in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.



4. Mr.R.Karthikeyan, learned Additional 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 Additional Government Pleader appearing for the respondents, this court is of the view that necessary permission shall be granted to the petitioner and his villagers to conductb "Adalum Padalum" programme in connection with the temple festival of "Arulmigu Sri Muthu Murugan Swamy Temple Festival" at Silamalai Village, Bodinayakanur 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 "Arulmigu Sri Muthu Murugan Swamy Temple Festival" at Silamalai Village, Bodinayakanur Taluk, Theni District, be held on 15.04.2015 **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(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

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

2. The Inspector of Police,

Bodinayakanur Rural Police Station, Theni District.

+1cc to Mr.A.K.Manickam, Advocate, SR.No.18315

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