



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P (MD) No.5555 of 2015

WEB COPY

Thiyagarajan

...Petitioner

Vs.

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

2.The Sub-Inspector of Police,
Kadupatti Police Station,
Madurai District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the entire records pertaining to the proceedings of the second respondent vide his proceedings dated 09.04.2015 and quash the same and consequently direct the second respondent to accord permission and provide adequate police protection for conducting "Aadal Padal Cultural Program" which is scheduled to be taken place on 15.04.2015 in connection with the Panguni festival of 'SRI PAPATHIAMMAN TEMPLE' at M.Puthupatti village, Vadipatti(Taluk), Madurai District.

For Petitioner : Mr.S.Pitchai Muthu

For Respondents : Mr.S.Kumar
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus calling for the entire records pertaining to the proceedings of the second respondent vide his proceedings, dated 09.04.2015 and quash the same and consequently direct the second respondent to accord permission and provide adequate police protection for conducting "Aadal Padal Cultural Program" which is scheduled to be taken place on 15.04.2015 in connection with the Panguni festival of 'SRI PAPATHIAMMAN TEMPLE' at M.Puthupatti village, Vadipatti(Taluk), Madurai District.

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

3. By the order impugned, the request of the petitioner to conduct music and dance programme was rejected on the ground of law and order problem and the programme would likely to include obscene dancing.

4. The order impugned cannot be sustained in the eye of law. Since it does not describe the nature of law and order problem. It can be said that the petitioner would indulge in obscene dancing on mere apprehension. It is the specific case of the petitioner that he would not indulge in obscene dancing.



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 'SRI PAPATHIIAMMAN TEMPLE' at M.Puthupatti village, Vadipatti(Taluk), Madurai District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at 'SRI PAPATHIIAMMAN TEMPLE' at M.Puthupatti village, Vadipatti(Taluk), Madurai 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(CO)

/TRUE COPY/

Sub Assistant Registrar

To

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

2. The Sub-Inspector of Police, Kadupatti Police Station, Madurai District.

+1cc to Mr.M.Pitchai Muthu, Advocate, SR.No. 18782

W.P(MD) No.5555 of 2015

15.04.2015

PM

PA/15.04.2015/2P/4C (IT)