



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2015

CORAM:

THE HONOURABLE Mr. JUSTICE M.M. SUNDRESH

Writ Petition(MD)No.5655 of 2015

Sakkarai

... Petitioner

Vs

The Sub-Inspector of Police,
Palanichettipatti Police Station,
Theni District.

... Respondent

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order, dated 05.04.2015 passed by the respondent and quash the same as illegal and consequently direct the respondent to grant permission and give police protection to the petitioner to perform the dance programme "Aadal Paadal" at Veeralakshmi Amman Temple, Veeralakshmi Amman Street, Aranmanai Pudhur, Theni from 06.30 p.m to 10.30 p.m on 07.05.2015 and pass such further or other orders.

For Petitioner : Mr.S.Ayyappa Raja

For Respondent : Mr.R.Karthikeyan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order, dated 05.04.2015 passed by the respondent and quash the same as illegal and consequently direct the respondent to grant permission and give police protection to the petitioner to perform the dance programme "Aadal Paadal" at Veeralakshmi Amman Temple, Veeralakshmi Amman Street, Aranmanai Pudhur, Theni from 06.30 p.m to 10.30 p.m on 07.05.2015.

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

3. The learned counsel for the petitioner would submit that the petitioner is the member of the Vizha committee of temple at Veeralakshmi Amman Temple, Veeralakshmi Amman Street, Aranmanai Pudhur, Theni 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 07.05.2015. In this connection, a representation was given on 05.04.2015 to the respondent police, with a request to grant permission to conduct "Adal Padal Programme". 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 since 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. By the order impugned, permission sought for by the petitioner was rejected on the ground that there is a ban and there is a likelihood of law and order problem.

5. The above said decision cannot be sustained in the eye of law. There is no specific ban imposed for the conduct of the cultural programme and there is no material to come to the conclusion regarding law and order problem.

6. 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 Veeralakshmi Amman Temple, Veeralakshmi Amman Street, Aranmanai Pudhur, Theni, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Veeralakshmi Amman Temple, Veeralakshmi Amman Street, Aranmanai Pudhur, Theni, be held on 07.05.2015 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 respondent is directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

The Sub-Inspector of Police,
Palanichettipatti Police Station,
Theni District.

+1cc to Mr.S.Ayyapparaja, Advocate, SR.No.19017

W.P(MD)No.5655 of 2015
16.04.2015

ps

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