



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2015

CORAM:

THE HONOURABLE Mr. JUSTICE M.M. SUNDRESH

Writ Petition(MD)No.5763 of 2015

WEB COPY

R.Alagarsamy

... Petitioner

Vs.

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

2.The Inspector of Police,
Jeyamangalam Police Station,
Theni District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Letter dated 05.04.2015 of the second respondent and to quash the same, consequently directing the second respondent to grant permission and necessary protection to perform the cultural programme (ie.,) Adal Padal on 06.05.2015 at 6.30 p.m. in the eve of "Arulmighu Sri Mahakaliyamman Thirukovil", Thiru Vizha at Vel Nagar, Endapulai Panchayat, Periyakulam Taluk, Theni District.

For Petitioner : Mr.C.Bethanasamy

For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the rejection letter of the second respondent dated 05.04.2015 and quash the same and consequently direct the respondents to grant permission and protection for cultural program in connection with the temple festival of "Arulmighu Sri Mahakaliyamman Thirukovil", Thiru Vizha at Vel Nagar, Endapulai Panchayat, Periyakulam Taluk, Theni District to be held on 06.05.2015 at 06.30.p.m.

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 every year temple festival of "Arulmighu Sri Mahakaliyamman Thirukovil" at Vel Nagar, Endapulai Panchayat, Periyakulam Taluk, Theni District 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 06.05.2015 at 06.30 p.m. In this connection, a representation was given on 05.04.2015 to the second respondent police, to grant permission to conduct "Adal Padal Programme". The second 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.

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4. The only objection raised is that if permission is granted, it would likely 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 "Arulmighu Sri Mahakaliyamman Thirukovil" at Vel Nagar, Endapulai Panchayat, Periyakulam Taluk, Theni District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at "Arulmighu Sri Mahakaliyamman Thirukovil" at Vel Nagar, Endapulai Panchayat, Periyakulam Taluk, Theni District, be held on 06.05.2015 **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 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, Theni District, Theni.

2. The Inspector of Police, Jeyamangalam Police Station, Theni District.

+1cc to Mr.C.Bethanasamy, Advocate, SR.No.19197

W.P (MD) No.5763 of 2015

16.04.2015