



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. (MD) No. 6746 of 2015

WEB COPY

M. Sathiyamoorthy

... Petitioner

Vs.

1. The Superintendent of Police,
Thanjavur District, Thanjavur.2. The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) Adal Padal on the eve of Arulmigu Aram Valartha Nayagi Udanurai Iyarappar Chithirai Thiruther Festival at Thiruvaiyaru, Thanjavur District which is to be held on 1.5.2015 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner

... Mr. K. Mahendran

For Respondents

... Mr. R. Karthikeyan

Addl. Government Pleader

ORDER

The writ petition has been filed praying this Court for issuance of a Writ of Mandamus directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) Adal Padal on the eve of Arulmigu Aram Valartha Nayagi Udanurai Iyarappar Chithirai Thiruther Festival at Thiruvaiyaru, Thanjavur District which is to be held on 01.05.2015.

2. By consent, the writ petition itself is taken up for final disposal.

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

4. In the affidavit, it has been stated that the Petitioner is a resident of Thiruvaiyaru Taluk, Thanjavur District and he is the President of Thiruvaiyaru Vanigar Nala Kazhagam and every year the villagers used to celebrate Thiruvizha in the Tamil month of Chithirai. In this year also, the villagers have decided to celebrate the said festival on 1.5.2015. Along with other poojas, the villagers have decided to play cultural programmes on 1.5.2015. In this connection, a representation was given on 11.04.2015 to the respondent police, with a request to grant permission to conduct "Adal Padal Programme" on 1.5.2015. <https://hcservices.ecourts.gov.in/hcservices/> no order was passed by the respondents on the said representation 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,
village.

there will be no untoward incident by the people of the

5.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.

6.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 conduct "Adal Padal programme" in connection with Arulmigu Aram Valartha Nayagi Udanurai Iyarappar Chithirai Thiruther Festival at Thiruvaiyaru, Thanjavur District.

7. Accordingly, the Writ Petition is disposed of with the following directions:

(a)The cultural programme in connection with temple Festival on the eve of Arulmigu Aram Valartha Nayagi Udanurai Iyarappar Chithirai Thiruther Festival at Thiruvaiyaru, Thanjavur District be held on 1.5.2015 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(AS)

/TRUE COPY/

Sub Assistant Registrar

To

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

2.The Inspector of Police,Thiruvaiyaru Police Station,

Thanjavur District.

+1cc to Mr.K.Mahendran, Advocate, SR.No.22960