



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2015

CORAM:

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Writ Petition (MD) No.7238 of 2015

WEB COPY

S.Kodivairan

...Petitioner

Vs.

The Sub Inspector of Police,
Koodalpudur Police Station,
Madurai City.

...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 26.04.2015 passed by the respondent and quash the same as illegal and consequently direct the respondent to grant permission and protection to the petitioner to perform the dance programme "Adal Padal" at Arulmighu Sangili Karuppana Swamy, Arulmighu Mariamman Thirukovil situated at Tallakulam, Madurai District from 7.00 p.m. to 10.30. p.m. on 26.05.2015, 28.05.2015 and 30.05.2015.

For Petitioner : Mr.S.Bharathi

For Respondent : Mr.R.Karthikeyan

Addl. Government Pleader

O R D E R

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 26.04.2015 passed by the respondent and quash the same as illegal and consequently direct the respondent to grant permission and protection to the petitioner to perform the dance programme "Adal Padal" at Arulmighu Sangili Karuppana Swamy, Arulmighu Mariamman Thirukovil situated at Tallakulam, Madurai District from 7.00 p.m. to 10.30. p.m. on 26.05.2015, 28.05.2015 and 30.05.2015.

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 Festival Committee of Arulmighu Sangili Karuppana Swamy, Arulmighu Mariamman Thirukovil situated at Tallakulam, Madurai District and every year "Chitrai Pongal 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 26.05.2015, 28.05.2015 and 30.05.2015. In this connection, a representation was given on 26.04.2015 to the respondent, with a request to grant permission to conduct "Adal Padal Programme" on 26.05.2015, 28.05.2015 and 30.05.2015. 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 respondent 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.



4. The only objection raised is that permission if granted likely would lead to law and order problem. From the order passed by the 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 Sangili Karuppana Swamy, Arulmighu Mariamman Thirukovil at Tallakulam, Madurai District however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Arulmighu Sangili Karuppana Swamy, Arulmighu Mariamman Thirukovil, Tallakulam, Madurai District, be held on 26.05.2015, 28.05.2015 and 30.05.2015 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

/True copy/

Sub Assistant Registrar

To
The Sub Inspector of Police,
Koodalpudur Police Station,
Madurai City.

+1CC to M/s.S.Bharathi, Advocate in SR.23450

+1CC to the Special Government Pleader in SR.24737

W.P(MD)No.7238 of 2015
29.04.2015

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