



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2015

CORAM:

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Writ Petition(MD)No.7800 of 2015

N.Balakumar

... Petitioner

Vs.

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

2. The Inspector of Police,
Lalgudi Police Station,
Trichy District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to permit and protection for Music Programme (Argestra) on 18.05.2015 Karagattam on 19.05.2015 and the cultural programme of "Adal Padal" on 20.05.2015 in the temple festival of "Sri Mahakali Amman Temple", Angarai Village, Lalgudi Taluk, Trichy District.

For Petitioner : Mr.V.Illanchezian

For Respondents : Mr.R.Karthikeyan

Adtl. Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of Writ of Mandamus, directing the respondents to permit and protection for Music Programme (Argestra) on 18.05.2015 Karagattam on 19.05.2015 and the cultural programme of "Adal Padal" on 20.05.2015 in the temple festival of "Sri Mahakali Amman Temple", Angarai Village, Lalgudi Taluk, Trichy District.

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

3. The learned counsel appearing for the petitioner would submit that the petitioner is the Union Councilor of Angarai Village, Lalgudi Taluk, Trichy District and the temple viz,., "Sri Mahakali Amman Temple" is situated in the village 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 from 17.05.2015 to 21.05.2015 for five days, with Music Programme (Argestra) on 18.05.2015, Karagattam on 19.05.2015 and the cultural programme of "Adal Padal" on 20.05.2015. In this connection, a representation was given on 24.04.2015 to the second respondent, with a request to grant permission to conduct Music Programme (Argestra) on 18.05.2015, Karagattam on 19.05.2015 and the cultural programme of "Adal Padal" on 20.05.2015, however 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, there will be no untoward incident by the people of the village.

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4. 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.

5. 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 Music Programme (Argestra) on 18.05.2015, Karagattam on 19.05.2015 and the cultural programme of "Adal Padal" on 20.05.2015 in connection with the temple festival of Sri Mahakali Amman Temple, Angarai Village, Lalgudi Taluk, Trichy District.

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

(a) The cultural programmes of Argestra and Adal Padal in connection with the temple Festival at Sri Mahakali Amman Temple Angarai Village, Lalgudi Taluk, Trichy District be held on 18.05.2015 and 20.05.2015 between 06.00 p.m. and 10.30 p.m. and the cultural programme of Karagattam be held on 19.05.2015 and so far as the time for cultural programme/Karagattam is concerned, it is for the second respondent to fix the same.

(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.

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/True copy/

Sd/-
Assistant Registrar (AE)

Sub Assistant Registrar

To

1. The Superintendent of Police,
Trichy District, Trichy.
2. The Inspector of Police,
Lalgudi Police Station, Trichy District.

+1cc to MR.V.ILLANCHEZIAN, ADVOCATE IN SR : 24087
+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 24908

Akv

SR : 12.05.2015 : 3p/5c

W.P(MD)No.7800 of 2015
30.04.2015