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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2015

CORAM:

THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P (MD) No.8095 of 2015

and

M.P. (MD) No.1 of 2015

Duraipandian

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Thirumangalam, Madurai District.

2. The Inspector of Police,
Sindhupatti Police Station,
Madurai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 30.04.2015 passed by the second respondent and quash the same and consequently direct the respondents to give adequate police protection to the petitioner to conduct the cultural event of Dance and Songs on 30.05.2015 relating to the petitioner's Village Temple "Kaliyamman Kovil" festival from 08.00 p.m. to 11.00 p.m..

For Petitioner

: Mr.R.Murugappan

For Respondents

: Mr.R.Raja Karthikeyan

Additional Government Pleader
assisted by

Mr.A.P.Balasubramani

Government Advocate (Crl.Side)

ORDER

This writ petition has been filed seeking for issuance of writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 30.04.2015 passed by the second respondent and quash the same and consequently direct the respondents to give adequate police protection to the petitioner to conduct the cultural event of Dance and Songs on 30.05.2015 relating to the petitioner's Village Temple "Kaliyamman Kovil" festival from 08.00 p.m. to 11.00 p.m.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and also perused the materials on record.

3. Learned counsel for the petitioner would submit that the petitioner is the resident of T.Pudupatti Village and in their village there is a temple called "Kaliyamman



Kovil" 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 'Cultural event of Dance and Songs'' on 30.05.2015. In this connection, a representation has been given on 30.04.2015 to the respondents, with a request to grant permission to conduct Cultural event of Dance and Songs' on 30.05.2015. However, an order dated 30.04.2015 has been passed by the second respondent 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.

4.Mr.R.RajaKarthikeyan, 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.Further, it is also brought to the information of this Court that already the Hon'ble Division Bench in W.P.No.4831 of 2015 in the case of *Muthupandi Vs. Deputy Superintendent of Police, Madurai District, Madurai* by order dated 01.04.2015 has granted permission for conducting cultural programme relating to the temple festival with conditions and also in W.P.(MD)No.6207 of 2015 by order dated 23.04.2015 in the case of *Karuppaiya Vs. Superintendent of Police, Pudukottai District* and in the case of *Saravanan Vs. Superintendent of Police, Dindigul District* in W.P.No.9305 of 2014 by order dated 16.06.2014, this Court has passed an order granting permission for the cultural event with conditions. Accordingly, it has been requested that appropriate orders may be passed in the present case also following the above said judgments of this Court.

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 respondent, this Court is of the view that the impugned order dated 30.04.2015 passed by the second respondent is set aside and necessary permission shall be granted to the petitioner and his villagers to conduct 'Cultural event of Dance and Songs ' in connection with Kaliyamman Kovil temple festival situated at T.Pudupatti Village, Thummakundu Post, Usilampatti Taluk, Madurai District " on 30.05.2015 between 6.00 p.m. and 10.30 p.m. however, with the following conditions.

7.Accordingly, the writ petition is disposed of



with the following directions:-

(a) The dance programme in connection with Kaliyamman Kovil temple festival situated at T.Pudupatti Village, Thummakundu Post, Usilampatti Taluk, Madurai District to be held on 30.05.2015 between 6.00 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) The cultural programme should be celebrated in a lawful and peaceful manner, and also with decency.

(h) The entire cultural programme should be celebrated without any obscenity or vulgarity, when the said cultural programme is performed in the public.

(i) 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

(j) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time.

(k) The second respondent is directed to issue necessary permission, incorporating the above conditions.

No order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar/VO

\\True copy\\



ssl/nbj

Note : Issue copy on 22.05.2015

To

1. The Deputy Superintendent of Police,
Thirumangalam, Madurai District.

2. The Inspector of Police,
Sindhupatti Police Station,
Madurai District.

1CC TO THE SPL GOVTPLEADER SR:26092

+1cc to MR.R.MURUGAPPAN, ADVOCATE IN SR NO.25914

DM

W.P (MD) No.8095 of 2015

20.05.2015