



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2015

CORAM:

THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P (MD) No.8414 of 2015

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Karthick

...Petitioner

Vs.

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

2. The Inspector of Police,
Thirukokarnam Police Station,
Pudukkottai District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the second respondent to permit the petitioner to conduct light music program during 27th year Pushpa Vizha in Kaveri Nagar Sri Muthu Mariamman Temple, Kaveri Nagar, Old Colony, Pudukkottai District on 24.05.2015 at about 10.00 p.m.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.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 mandamus, directing the second respondent to permit the petitioner to conduct light music program during 27th year Pushpa Vizha in Kaveri Nagar Sri Muthu Mariamman Temple, Kaveri Nagar, Old Colony, Pudukkottai District on 24.05.2015 at about 10.00 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 one of the committee organizers of the Temple viz., Kaveri Nagar Sri Muthu Mariammam Nagar situated in and around Kaveri Nagar, Old colony, Pudukkottai District and the villagers jointly decided to conduct the 27th year Pushpa Vizha in Kaveri Nagar Sri Muthu Mariamman Temple with 'light music program' on 24.05.2015. In this connection, a representation has been given on 12.05.2015 to the respondents, with a request to grant permission to conduct 'light music program' on 24.05.2015'. However no order has been passed by the 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 there will be no untoward incident by the people of the



4.Mr.Raja 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.

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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 light music program 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 respondents, this Court is of the view that necessary permission shall be granted to the petitioner and his villagers to conduct 'light music program' in connection with "27th year Pushpa Vizha in Kaveri Nagar Sri Muthu Mariamman Temple" situated in and around Kaveri Nagar, Old colony, Pudukkottai District on 24.05.2015 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 light music programme in connection with "27th year Pushpa Vizha in Kaveri Nagar Sri Muthu Mariamman Temple" situated in and around Kaveri Nagar, Old colony, Pudukkottai District, festival be held on 24.05.2015 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.

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(g)The light music programme should be celebrated in a lawful and peaceful manner, and also with decency.



(h) 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

(i) Similarly, the police is entitled to stop the light music programme, if it exceeds beyond the permitted time.

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

No order as to costs.

Sd/-
Assistant Registrar/
Vacation Officer

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Pudukkottai District, Pudukkottai.
2. The Inspector of Police,
Thirukokarnam Police Station,
Pudukkottai District.

+1CC to M/s.T.Leninkumar, Advocate in SR.25790

W.P (MD) No.8414 of 2015
20.05.2015

rj2/pmu

PBK/PS 22/05/2015 ::3P-4C:(IT)