



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.05.2015

CORAM:

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition(MD)No.8570 of 2015

M.Vellaisamy

... Petitioner

Vs.

The Inspector of Police,
Nilakkottai Police Station,
Nilakkottai Taluk,
Dindigul District.

... 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 relating to the Impugned proceeding dated 11.05.2015 of the Respondent and to quash the same consequently directing the Respondent to grant permission and necessary protection to perform the cultural programme (ie) Adal Padal on 28.05.2015 at 7.00 pm in the eve of "Arulmighu Sri Kaliyamman, Sri Muthalamman, Sri Bagavathiamman Kovil" at 10th ward, Meenatchipuram, Nilakkottai Taluk, Dindigul District.

For Petitioner : Mr.V.Karuna

For Respondents : Mr.M.Murugan

Government Advocate

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 relating to the Impugned proceeding dated 11.05.2015 of the Respondent and to quash the same consequently directing the Respondent to grant permission and necessary protection to perform the cultural programme (ie) Adal Padal on 28.05.2015 at 7.00 pm in the eve of "Arulmighu Sri Kaliyamman, Sri Muthalamman, Sri Bagavathiamman Kovil" at 10th ward, Meenatchipuram, Nilakkottai Taluk, Dindigul District.

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

3. Learned counsel for the petitioner would submit that the petitioner is the resident of 10th Ward, Meenatchipuram, Nilakkottai Taluk, Dindigul District and every year temple festival of "Arulmighu Sri Kaliyamman, Sri Muthalamman, Sri Bagavathiamman Kovil" 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 28.05.2015. In this connection, a representation was given on 11.05.2015 to the respondent police, with a request to grant permission to conduct "Adal Padal Programme". The respondent has passed an impugned order rejecting the petitioner's request 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.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The only objection raised is that if permission is granted, it would likely 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 Sri Kaliyamman, Sri Muthalamman, Sri Bagavathiamman Kovil" situated at 10th ward, Meenatchipuram, Nilakkottai Taluk, Dindigul District however, with the following conditions:-

(a) The cultural programme in connection with temple Festival of "Arulmighu Sri Kaliyamman, Sri Muthalamman, Sri Bagavathiamman Kovil" situated at at 10th ward, Meenatchipuram, Nilakkottai Taluk, Dindigul District be held on 28.05.2015 **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/-

Vacation Officer/

Assistant Registrar (Per. Admn)

/True Copy/

Sub- Assistant Registrar

To
The Inspector of Police,
Nilakkottai Police Station,
Nilakkottai Taluk,
Dindigul District.

+1cc to M/s.V.Karuna, Advocate in SR.No.26308/15

pjl

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