



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.05.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition(MD)No.8579 of 2015

WEB COPY

S.Sannasi ... Petitioner
Vs.

1. The Superintendent of Police,
Theni District, Theni.
2. The Inspector of Police,
Thenkarai Police Station,
Theni District. ... Respondents

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 pertaining to the impugned order dated 19.05.2015 passed by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to allow the petitioner to conduct Adal Padal program in the Sri Mandukaruppana Swami Temple Festival in Thenkarai Village, Theni District on 28.05.2015.

For Petitioner : Mr.R.Vinothkumar

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 pertaining to the impugned order dated 19.05.2015 passed by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to allow the petitioner to conduct Adal Padal program in the "Sri Mandukaruppana Swami Temple" Festival in Thenkarai Village, Theni District on 28.05.2015.

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

3. Learned counsel for the petitioner would submit that the petitioner is resident of Indrapuri Street, Thenkarai, Periyakulam, Theni District and every year festival of "Sri Mandukaruppana Swami Temple" 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 19.05.2015 to the second respondent police, with a request to grant permission to conduct "Adal Padal Programme". The second 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.

4. The learned Government Advocate appearing for the respondents, on instructions, would submit that since the petitioner is making arrangements to conduct the "Adal Padal" programme at a place, which is



situated on the National Highways-49 between Periyakulam and Cumbam, the second respondent rejected the representation for granting permission to conduct such 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 "Sri Mandukaruppana Swami Temple" situated at Thenkarai Village, Theni District on 28.05.2015. however, with the following conditions:-

(a) The cultural programme in connection with temple Festival of "Sri Mandukaruppana Swami Temple" situated at Thenkarai Village, Theni 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 second respondent is directed to issue necessary permission, incorporating the above conditions. The second respondent is at liberty to fix a place for conducting the programme.

No costs.

Sd/-

Vacation Officer/

Assistant Registrar(writ)

/True Copy/

Sub- Assistant Registrar

To

1. The Superintendent of Police,
Theni District, Theni

2. The Inspector of Police,
Thenkarai Police Station,
Theni District.

+1cc to Mr.R.Vinoth Kumar, Advocate SR.No.26302

pjl

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