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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.05.2015
CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8632 of 2015

M.Ganesan ... Petitioner

Vs.

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

2. The Inspector of Police,
   Vallam Police Station,
   Vallam Taluk,
   Thanjavur District. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the 2nd respondent to grant permission and police protection to conduct cultural programme at "Sri Muthu Mariyamman temple which is scheduled to be held on 30.05.2015 Thilakar street, Marungulam Post, Vallam Taluk, Thanjavur District Pin:613006, based on petitioner representation dated 21.05.2015.

For Petitioner : Mr.M.S.Premkumar
For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

This writ petition has been filed seeking for issuance of writ of mandamus, directing the 2nd respondent to grant permission and police protection to conduct cultural programme at "Sri Muthu Mariyamman temple" which is scheduled to be held on 30.05.2015 Thilakar street, Marungulam Post, Vallam Taluk, Thanjavur District Pin:613006, based on petitioner representation dated 21.05.2015.

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

3.Learned counsel for the petitioner would submit that the petitioner is the Oor Maniyakkarar of Marungulam 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, with 'Adal Padal cultural programme' on 30.05.2015. In this connection, a representation has been given on 21.05.2015 to the second respondent, with a request to grant permission to conduct 'Adal Padal Cultural Programme' on 30.05.2015. 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

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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.M.Murugan, learned Government Advocate 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 Government Advocate appearing for the respondents, this Court is of the view that necessary permission shall be granted to the petitioner and his villagers to conduct 'Adal Padal cultural programme' in connection with "Sri Muthu Mariyamman temple" situated at Thilakar street, Marungulam Post, Vallam Taluk, Thanjavur 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 cultural programme in connection with the festival of "Sri Muthu Mariyamman temple" situated at Thilakar street, Marungulam Post, Vallam Taluk, Thanjavur District 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.

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(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 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.

Sd/-
Assistant Registrar(Per.Admn)

\\True copy\\

Sub Assistant Registrar

To
1. The Superintendent of Police,
   Thanjavur District,
   Thanjavur.

2. The Inspector of Police,
   Vallam Police Station,
   Vallam Taluk,
   Thanjavur District.

+1cc TO M/S.M.S.PREMKUMAR,ADVOCATE SR.NO. 26408

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