



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P(MD) No. 8730 of 2015

A. KAYAMBU

... PETITIONER

Vs.

1 THE SUPERINTENDENT OF POLICE,
DINDIGUL DISTRICT, DINDIGUL.

2 THE SUB INSPECTOR OF POLICE,
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.

... RESPONDENTS

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for records relating to Impugned proceedings C. No. 27/Forecaste/R2PS/2015 dated 25.05.2015 of 2nd Respondent and to quash the same and consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (ie.) Dance Programme on 03.06.2015 at 06.00 P.M. to 10.30 P.M. in the festival of "Arulmighu Sri Mariammankovil" at Chellampatti, Sitharevu, Dindigul Taluk, Dindigul District.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr. S.Kumar

Additional Government Pleader

O R D E R

This writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, calling for records relating to Impugned proceedings C. No. 27/Forecaste/R2PS/2015 dated 25.05.2015 of 2nd Respondent to grant permission and necessary protection to perform the cultural programme (ie.) Dance Programme on 03.06.2015 at 06.00 P.M. to 10.30 P.M. in the festival of "Arulmighu Sri Mariammankovil" at Chellampatti, Sitharevu, Dindigul Taluk, Dindigul District.

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

3. Learned counsel for the petitioner would submit that the petitioner is the member of temple Festival Committee 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 "Aadal Padal programme" on 03.06.2015. In this connection, a representation was given on 25.05.2015 to the respondent police, with a request to grant permission to conduct "Aadal Padal Programme" on 03.06.2015. 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 since 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. Perusal of the impugned order shows that apart from issuing any notice of hearing no reasons has been adduced. Therefore the said impugned order can not be sustained in the eye of law. There is no indication about the likelihood of law and order problem. 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 Mariammankovil" at Chellampatti, Sitharevu, Dindigul Taluk, Dindigul District.

6. Accordingly, the writ petition is disposed of with the following directions:

(a) The cultural programme in connection with temple Festival of "Arulmighu Sri Mariammankovil" at Chellampatti, Sitharevu, Dindigul Taluk, Dindigul District, be held on **03.06.2015** 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. Consequently, the connected Miscellaneous Petition is closed.

No costs.

Sd/-

Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar

To

1 THE SUPERINTENDENT OF POLICE, DINDIGUL DISTRICT, DINDIGUL.

2 THE SUB INSPECTOR OF POLICE,

PATTIVEERANPATTI POLICE STATION, DINDIGUL DISTRICT.

+1cc to Mr.V.Manikandan, Advocate, SR.No.26660

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