



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2015

CORAM:

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Writ Petition (MD) No.8752 of 2015

Eswaran

... Petitioner

Vs

The Inspector of Police,
Elumalai Police Station,
Elumalai,
Madurai 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 relating to the proceedings of impugned order of the respondent in respect of the Aadal padal in pursuance to the Vaikasi festival of the "Sri Puthu Mariamman Temple" dated 25.05.2015 and quash the same and consequently directing the respondent to grant permission to conduct the "Aadal Padal Dance Programme" on 07.06.2015 from 10.00P.M to 01.00A.M in pursuance to the Vaikasi festival of the "Sri Puthu Mariamman Temple" situated in Pottalpatti Village, Uthapuram Post, Peraiyur Taluk, Madurai District.

For Petitioner : Mr.M.Subash Babu

For Respondents : Mr.R.Karthikeyan

Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of impugned order of the respondent in respect of the Aadal padal in pursuance to the Vaikasi festival of the "Sri Puthu Mariamman Temple" dated 25.05.2015 and quash the same and consequently directing the respondent to grant permission to conduct the "Aadal Padal Dance Programme" on 07.06.2015 from 10.00P.M to 01.00A.M in pursuance to the Vaikasi festival of the "Sri Puthu Mariamman Temple" situated in Pottalpatti Village, Uthapuram Post, Peraiyur Taluk, Madurai District.

<https://hcservices.ecourts.gov.in/Service/> the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.



3. Learned counsel for the petitioner would submit that the petitioner is resident of Pottalpatti village and every year "Sri Puthu Mariamman 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 07.06.2015. In this connection, a representation was given on 21.05.2015 to the respondent police, with a request to grant permission to conduct "Aadal Padal Cultural Programme". The respondent has passed impugned order rejecting the petitioner's request and hence, the petitioner is before this Court with this Writ Petition.

4. In the Counter Affidavit filed by the respondent, it is submitted that during the festival of the last year in a nearby village, there arose law and order problem. Hence, permission was rejected by the respondent in the impugned order dated 14.05.2015, on the ground of law and order problem.

5. For which, the counsel for the petitioner submitted that the villagers have been conducting the festival for the past 15 years, there was no law and order problem. The impugned order has been passed on mere apprehension and the village, in which law and order problem arose, is far away. There would not be any law and order problem.

6. Accordingly, considering the above submissions and facts and circumstances, 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 Puthu Mariamman Temple" situated at Pottalpatti Village, Uthapuram Post, Peraiyur Taluk, Madurai District, however, with the following conditions:-

(a) The Aadal Padal cultural Programme in connection with temple Festival at "Sri Puthu Mariamman Temple" situated at Pottalpatti Village, Uthapuram Post, Peraiyur Taluk, Madurai District, be held on 07.06.2015 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 respondent is directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

pmu

To

The Inspector of Police,
Elumalai Police Station,
Elumalai,
Madurai District.

+1cc MR.M.SUBASH BABU,ADVOCATE IN SR NO.27145

+1CC TO SPECIAL GOVERNMENT PLEADER IN SR NO.25945

W.P (MD) No.8752 of 2015

03.06.2015

RG.05.06.2015

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