



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10/6/2015

C O R A M

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THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Writ Petition(MD)No.9254 of 2015

A. Thangapandian ... Petitioner

Vs

1. The Superintendent of Police
Madurai District, Madurai.

2. The Sub-Inspector of Police
F.1 Peraiyur Police Station
Madurai District.

... Respondents

Prayer:- Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to to call for the records relating to the impugned order issued by the second respondent dated Nil and quash the same as illegal and consequentially direct the second respondent to grant permission to the temple festival for conducting "Aadal Padal Kalai Nigalchi" at the evening hours on 10/6/2015 in Arulmigu Chellaiamman Thirukovil, at S.Keelapatti Village, Santhaiyur Post, Peraiyur Taluk, Madurai District.

For Petitioner : Mr.R.Rajesh

For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

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 order issued by the second respondent dated Nil and quash the same as illegal and consequentially direct the second respondent to grant permission to the temple festival for conducting "Aadal Padal Kalai Nigalchi" at the evening hours on 10/6/2015 in Arulmigu Chellaiamman Thirukovil, at S.Keelapatti Village, Santhaiyur Post, Peraiyur Taluk, Madurai District.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.
<https://hcmes.lawsonline.in/cases/>



3. Learned counsel for the petitioner would submit that the petitioner is the one of the members of festival committee of Arulmighu Chellaiamman Thirukovil festival, S.Keelapatti, Santhaiyur Post, Peraiyur Taluk, Madurai District and every year the devotees of Arulmighu Chellaiamman Thirukovil festival, S.Keelapatti, Santhaiyur Post, Peraiyur Taluk, Madurai District used to conduct "Adal Padal Kalai Nigalchi" in the month of "Vaikasi" and this year also, the villagers jointly decided to conduct the village temple festival on 9/6/2015 and 10/6/2015, with "Aadal Padal programme" on 10/6/2015. In this connection, a representation was given on 1/6/2015 to the second respondent police, with a request to grant permission to conduct "Adal Padal Programme". The second respondent has passed 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 only objection raised is that permission if granted likely would lead to law and order problem. From the order passed by the second 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 Chellaiamman Thirukovil festival, S.Keelapatti, Santhaiyur Post, Peraiyur Taluk, Madurai District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Arulmighu Chellaiamman Thirukovil festival, S.Keelapatti, Santhaiyur Post, Peraiyur Taluk, Madurai District to be held on 10/6/2015 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.

No costs.

SD/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar

mvs.

To

1. The Superintendent of Police
Madurai District, Madurai.
2. The Sub-Inspector of Police
F.1 Peraiyur Police Station
Madurai District.

+1cc to Mr.R.Rajesh, Advocte in Sr No.29245

W.P(MD) No.9254 of 2015
10.06.2015

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