



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Writ Petition(MD)No.9353 of 2015

S.Jayakumar

... Petitioner

Vs

The Sub-Inspector of Police,
Eriyodu Police Station,
Vedasandur Taluk,
Dindigul District.

... Respondent

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 of the impugned order dated 02.06.2015 passed by the respondent and quash the same as illegal and consequently direct the respondent to grant permission and protection to the petitioner to perform the dance programme 'Aadal Padal' at Devi Sri Kaliyamman Temple situated at Thangachiyampatti, Vembur Village, Vedasandur Taluk, Dindigul District from 08.30 p.m., to 12.30 p.m., on 23.06.2015.

For Petitioner : Mr.B.Senthil Nathan

For Respondent : 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 of the impugned order, dated 02.06.2015, passed by the respondent and quash the same as illegal and consequently direct the respondent to grant permission and protection to the petitioner to perform the dance programme 'Aadal Padal' at Devi Sri Kaliyamman Temple situated at Thangachiyampatti, Vembur Village, Vedasandur Taluk, Dindigul District from 08.30 p.m., to 12.30 p.m., on 23.06.2015.

2. Heard 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 the President of the Vizha committee of Devi Sri Kaliyamman Temple situated at Thangachiyampatti, Vembur Village, Vedasandur Taluk, Dindigul District 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 23.06.2015. In this connection, a representation was given on 02.06.2015 to the respondent police, with a request to grant permission to conduct "Aadal Padal programme". The 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 if permission is granted, it would lead to law and order problem. In the order passed by the 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 festival of Devi Sri Kaliyamman Temple situated at Thangachiyampatti, Vembur Village, Vedasandur Taluk, Dindigul District, however, with the following conditions:-

(a) The cultural programme in connection with the festival of Devi Sri Kaliyamman Temple situated at Thangachiyampatti, Vembur Village, Vedasandur Taluk, Dindigul District, be held on 23.06.2015 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 (Per. Admn.)

/True copy/



3

To

The Sub-Inspector of Police,
Eriyodu Police Station,
Vedasandur Taluk,
Dindigul District.

+1cc to B.Senthilnathan, Advocate SR.No.29957

W.P (MD) No.9353 of 2015
11.06.2015

pm

PA/KBM/12.06.2015/3P/3C (IT)