



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P. (MD).No.10124 of 2016

C.Saravanan

..Petitioner

Vs.

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

2.The Sub-Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.

..Respondents

PRAYER: Writ Petition filed under under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 2nd respondent dated 01.06.2016 and quash the same as illegal and consequentially direct the 2nd respondent to grant permission to the temple festival for conducting "Aadal Padal Kalai Nigalchi" at the evening hours on 16.06.2016 with necessary police protection in Sri Raja Kalliamman Temples Kumbabishekam at Chettiya Theru Thiruppathur Sivagangai District.

For Petitioner : Mr.S.Kameswaran

For respondents : Mr.D.Muruganandham

Additional Government Pleader

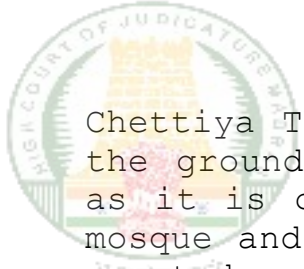
ORDER

The writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 2nd respondent dated 01.06.2016 and quash the same as illegal and consequentially direct the 2nd respondent to grant permission to the temple festival for conducting "Aadal Padal Kalai Nigalchi" at the evening hours on 16.06.2016 with necessary police protection in Sri Raja Kalliamman Temples Kumbabishekam at Chettiya Theru Thiruppathur Sivagangai District.

2. Mr.D.Muruganandam, learned Additional Government Pleader, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

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

4. The learned counsel for the petitioner submitted that the request seeking to conduct Aadal Padal Kalai Nigalchi in connection with Sri Raja Kali Amman Temples Kumbabishekam, at



Chettiya Theru, Thiruppathur, Sivagangai District was rejected on the ground that the place selected is situated in a not convenient as it is crowded and surrounded by religious places like Church, mosque and Sivan temple. He has further submitted that this Court granted permission to the petitioner for conducting the programme with some conditions and the same may be imposed this time also.

5. The learned Additional Government Pleader submitted that the proposed programme will cause hardship to the general public, because of the location.

6. In view of the objection raised by the learned Additional Government Pleader, the petitioner cannot be permitted to have the cultural programme in the place already selected. However, if the petitioner selects any other unobjectionable place to the satisfaction of the second respondent, the second respondent is to give proper permission for the conduct of the programme on 16.06.2016.

7. Accordingly, the impugned order is set aside and the writ petition is allowed, if the petitioner is satisfied the condition as stated supra, the petitioner is permitted to conduct "Adal Padal Programme Kalai Nigalchi" in connection with Sri Raja Kali Amman Temples Kumbabishekam at Chettiya Theru, Thiruppathur, Sivagangai District, with the following conditions and;

(a) The cultural programme in connection with Sri Raja Kali Amman Temples Kumbabishekam at Chettiya Theru, Thiruppathur, Sivagangai District, be held on 16.06.2016 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 in order to avoid awkwardness.

(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

/True copy/



To:

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

2.The Sub-Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.

+1cc to Mr.S.Kameshwaran, Advocate in SR.28596
+1cc to the Special Government Pleader in SR.28905

W.P. (MD) .No.10124 of 2016
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