



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.11289 of 2016

S.Sivakumar

... Petitioner

-vs-

1.The Superintendent of Police
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Salaikramam Police Station
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to grant permission and necessary police protection to perform the cultural programme (ie) dance programme on 10.08.2016 at 07.00 pm to 12.00 pm in the Thiru Vizha festival of Arulmighu Sree Muthumariamman Thirukovil at Therku Samuthiram Vadakku Samuthiram Post Salai Kramam Village Ilayankudi Taluk Sivagangai district.

For Petitioner : M/s.P.Varathapandian

For Respondents : Mr.S.Chandrasekar
Govt. Advocate

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to grant permission and necessary police protection to perform the cultural programme (ie) dance programme on 10.08.2016 at 07.00 pm to 12.00 pm in the Thiru Vizha festival of Arulmighu Sree Muthumariamman Thirukovil at Therku Samuthiram Vadakku Samuthiram Post Salai Kramam Village Ilayankudi Taluk Sivagangai district.

2.Mr.S.Chandrasekar, learned Government Advocate, takes notice for the respondents. By consent, the writ petition itself is for final disposal.

3.Heard the learned counsel appearing for the petitioner and

the learned Government Advocate appearing for the respondents.

4. The learned counsel appearing for the petitioner would submit that the programme is being conducted by the villagers regularly in order to promote harmony during the above said festival period; that a representation was given to the 2nd respondent, but, however, the same was not considered by the 2nd respondent so far and hence, the petitioner is before this Court with this writ petition. The learned counsel appearing for the petitioner would further submit that as the aforesaid festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this celebration.

5. The learned Government Advocate appearing for the respondent, on instructions, would submit that the permission sought for by the petitioner may be granted with appropriate and stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such programme.

6. Accordingly, in view of the submission made by the learned Government Advocate, the Writ Petition is disposed of with the direction to the second respondent police to accord permission to the petitioner to conduct the cultural function at Arulmighu Sree Muthumariamman Thirukovil at Therku Samuthiram Vadakku Samuthiram Post Salai Kramam Village Ilayankudi Taluk Sivagangai district, scheduled on 10.08.2016 between 07.00 p.m., and 10.30 p.m., by incorporating the following conditions:

- (a) Obscene dance / songs / vulgar dialogues should be avoided during the programme;
- (b) Songs conveying obscene double meaning should not be played in order to avoid awkwardness;
- (c) No dance or songs, touching upon the conduct of any political party or community or caste be played;
- (d) No flex boards in support of any political party or religious leader be erected;
- (e) The programme shall be conducted without showing any discrimination based on caste / community etc., and it shall be ensured that it is towards promoting communal harmony;
- (f) the participants of the programme shall not intake any kind of intoxicating substance or liquor during the programme;
- (g) In respect of untoward incident occurring, the organizers of the programme be responsible for the same;
- (h) If there is any violation of any of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance.

No costs.

Sd/-

Assistant Registrar (Records)



To

1. The Superintendent of Police
Sivagangai District,
Sivagangai.

2. The Inspector of Police,
Salaikramam Police Station
Sivagangai District.

+1cc to M/s.P.Varathapandian, Advocate, Sr.No.32914

+1cc to the Special Government Pleader, Sr.No.32731

RR

JM/GSV-PM/SAR-I/27.06.2016/3P-5C

ORDER MADE IN
W.P (MD) No.11289 of 2016
24.06.2016