



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2016

CORAM:

THE HONOURABLE Dr.JUSTICE P.DEVADASS

W.P. (MD) No.12224 of 2016

R.Baskaran

...Petitioner

Vs.

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

2.The Inspector of Police,
Town Police Station,
Sivagangai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to grant permission for conducting cultural and traditional dance of Kerala to the flower showering festival of Arulmigu Sri Shivasakthi Vinayagar, Sri Muthumariamman Temple, Agilandapuram, Sivagangai on 16.07.2016 on the basis of the representation of the petitioner dated 08.07.2016.

For Petitioner : Mr.A.Mohan

For Respondent : Mr.D.Muruganatham, AGP

ORDER

R.Baskaran, a resident of Agilandapuram, Sivagangai District, seeks a direction, directing the respondents to accord permission to conduct dance programme in Arulmigu Sri Shivasakthi Vinayagar, Sri Muthumariamman Temple, Agilandapuram, Sivagangai on 16.07.2016.

2.According to the learned counsel for the petitioner, as early as on 08.07.2016, a representation has been given to the respondents, as on date, no order has been passed. The function is fast approaching. Learned counsel for the petitioner further submitted that in no way they are going to obstruct public flow of life nor affect public peace and tranquillity and they are maintaining law and order. In such circumstances, withholding of granting permission is as against law. The learned counsel explaining the Kerala traditional dance and submitted that it is commonly as such known as Kathakali dance.

3.The learned Additional Government Pleader submits that the representation will be considered in accordance with law and they must observe the rules and regulations and also the reasonable conditions.

4.I have anxiously considered the submissions of both sides and also perused the averments in the Writ petition and the connected materials on record.



5. Granting of permission to conduct Kathakali dance programme during the said festival can be considered as per law. But it should not be at the cost of public tranquillity.

6. In the circumstances, the 2nd respondent namely, Inspector of Police, Town Police Station, Sivagangai District, is directed to pass orders on 14.07.2016 on the representation dated 08.07.2016 given by the petitioner with regard to conducting of Kathakali dance programme in Arulmigu Sri Shivasakthi Vinayagar, Sri Muthumariamman Temple, Agilandapuram, Sivagangai on 16.07.2016 and the orders shall incorporate the following conditions:

(a) The permission to conduct Kathakali dance programme shall be between 6 p.m., and 9 p.m..

(b) Obscene dance / songs / vulgar dialogues should be avoided during the programme;

(c) Songs conveying obscene double meaning should not be played in order to avoid awkwardness;

(d) No dance or songs, touching upon the conduct of any political party or community or caste be played;

(e) No flex boards in support of any political party or religious leader be erected;

(f) 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;

(g) the participants of the programme shall not intake any kind of intoxicating substance or liquor during the programme;

(h) In respect of untoward incident occurring, the organizers of the programme shall be responsible for the same;

(i) 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. The writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar(CS)

To

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

2. The Inspector of Police,
Town Police Station, Sivagangai.

+1cc to Mr.A.Mohan, Advocate in SR.36238

+1cc to the Special Government Pleader in SR.36368

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