



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2016

CORAM:

THE HONOURABLE Dr.JUSTICE P.DEVADASS

W.P. (MD) No.12235 of 2016

C.Marimuthu

..Petitioner

Vs.

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

2.The Inspector of Police,
Siruganur Police Station,
Trichy District.

..Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 08.07.2016 passed by the 2nd respondent and quash the same as illegal and consequently, direct the respondents to allow the petitioner to conduct Karagattam programme during night hours on 15.07.2016 in Mariyamman Temple Festival situate at Theranipalayam Village, Lalgudi Taluk, Trichy District.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.Muruganantham, AGP

ORDER

C.Marimuthu, member of the Village Committee, Theranipalayam, Lalkudi Taluk, Trichy District, aggrieved by the dismissal of his petition dated 08.07.2016 by the 2nd respondent, refusing to accord permission to conduct Karaka dance in the Village on 15.07.2016, filed this Writ petition, seeking issuance a Writ of Certiorarified Mandamus and quash the impugned order dated 08.07.2016 and pass further orders.

2.According to the learned counsel for the petitioner, Karaka dance is the traditional dance in this State. Many people like and love to see Karaka dance. It is being conducted regularly in Mariyamman Temple Festival situate at Theranipalayam Village, Lalgudi Taluk, Trichy District. No obscenity will be practised by the Karaka dancers. The learned counsel for the petitioner further submitted that without assigning any reason, simply the 2nd respondent has dismissed the petition on 08.07.2016. This is against law.

3.The learned Additional Government Pleader appearing for the respondents submitted that as the area is prone to commission of offences under Prohibition Act and it will create law and order. In such circumstances, the permission was refused.



4.I have considered the rival submissions and perused the impugned order and also the materials on record.

5.The history of Karaka dance is age old. Even during our Tamil Kings period, this dance has been performed. But at the same time, under the pretext of conducting Karaka dance, violation of provisions of law cannot be permitted. On the one hand, traditional art must be developed. On the other hand, commission of crime should not be developed. So the Karaka dance can be permitted. But it must be regulated by the law enforcing authority.

6.The reason assigned for refusing the permission that the area is known for commission of prohibition offences is unsustainable. Every one dream that the villagers should free from drunkard. Even drunkards will love to see Karaka dance. Thus, the impugned order is required to be quashed.

7.In the result, the Writ petition is allowed. The impugned order passed by the 2nd respondent dated 08.07.2016 is set aside. The 2nd respondent is directed to pass orders by tomorrow (14.07.2016) permitting the petitioner to conduct Karaka dance on 15.07.2016 also incorporating the following conditions:

(a)The permission to conduct karaka dance programme shall be between 06 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 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.

8.The 2nd respondent namely, the Inspector of Police, Siruganur Police Station, Trichy District, who is present today. He is also noted this order.

Sd/-

Assistant Registrar(W)

/True copy/



To

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

2.The Inspector of Police,
Siruganur Police Station,
Trichy District.

+1cc to Mr.S.Ramasamy, Advocate in SR.35223

+1cc to the Special Government Pleader in SR.36369

W.P. (MD) No.12235 of 2016
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nbg

PBK/NGM-MP/SAR-III 13.07.2016 ::3P-5C:(IT)