



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.13601 of 2016

T.Thangam Pounraj

... Petitioner

-VS-

1.The Commissioner of Police,
Madurai City.

2.The Assistant Commissioner of Police,
Law and Order, Thilagarthidal Region, Madurai.

3.The Inspector of Police
Thirunagar Police Station, Thirunagar
Madurai District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the rejection order passed by the 2nd respondent in Na.Ka.No . 272/2016 dated 25.07.2016 and to quash the same and consequently direct the respondents to give permission to perform the cultural programme of Kalai Nigaltchi (AdalPadal) Programme on 07.08.2016 in connection with the Urchave Festival in Arulmigu Sri Veil Uganthammman Temple at Harveypatty Madurai.

For Petitioner : Mr.G.Sivaraja

For Respondents : Mr.D.Muruganandham
Addl. Govt. Pleader

O R D E R

The writ petition has been filed challenging the order passed by the 2nd respondent dated 25.07.2016 rejecting the request of the petitioner to conduct the cultural programme of Kalai Nigaltchi (AdalPadal) Programme on 07.08.2016 in connection with the Urchave Festival in Arulmigu Sri Veil Uganthammman Temple at Harveypatty Madurai.

2.Mr.D.Muruganandham, 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 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 respondent, but, however, the same was rejected by the 2nd respondent 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 Additional Government Pleader appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner has been rejected on the ground that there is likelihood of law and order problem.

6. Perusal of the impugned order of rejection would go to show that the 2nd respondent has refused the permission only anticipating some law and order problem. Therefore, it is not sufficient to say that there is likelihood of problem arisen and no specific incident or specific circumstances are pointed out for the apprehension of the respondent. Accordingly, the Writ Petition is allowed and the order of rejection dated 25.07.2016 is set aside. The 2nd respondent is directed to accord permission to the petitioner to conduct Kalai Nigaltchi (AdalPadal) Programme in connection with the Urchave Festival in Arulmigu Sri Veil Uganthammman Temple at Harveypatty, Madurai, scheduled on 07.08.2016 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;

<https://hcservices.ecourtsgov.in/hcservices/> 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(CS-I)

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/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Madurai City.

2.The Assistant Commissioner of Police,
Law and Order,
Thilagarthidal Region, Madurai.

3.The Inspector of Police
Thirunagar Police Station, Thirunagar
Madurai District

+1cc to Mr.G.Sivaraja, Advocate Sr.No.41379

+1cc to Spl.Government Pleader Sr.No. 41230

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AA/AAL-MPA/SAR-III/04.08.2016/3p-6c

ORDER MADE IN
W.P (MD) No.13601 of 2016
01.08.2016