



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.14618 of 2016

Kombiah

... Petitioner

-vs-

1.The Superintendant of Police,
Thoothukudi district,
Thoothukudi.

2.The Deputy Superintendant of Police,
Kovilpatti Sub Division,
Thoothukudi District.

3.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance a Writ of Certiorarified Mandamus calling for entire records pertaining to the order passed by the 3rd respondent vide his Namuna dated 08.08.2016 and quash the same in so far as its relates to the non-granting of permission to the eve of Adal Padal Kalai Nigaltchi as well as Orchestra which is scheduled to be taken place on 13.08.2016 in connection with the temple festival of Arulmigu Sankareshwari Amman Thirukovil situated at Veeravanchi Nagar Kovilpatti Thoothukudi District and consequently direct the third respondent to grant permission for the aforesaid events for conducting the same on the scheduled date.

For Petitioner : Mr.R.Anand
For Respondents : Mr.D.Muruganandam
Addl. Govt. Pleader

O R D E R

The writ petition has been filed to quash the impugned order passed by the third respondent dated 08.08.2016 with the consequential direction to the third respondent to permit the petitioner to conduct Adal Padal Kalai Nigaltchi as well as Orchestra which is scheduled to be taken place on 13.08.2016 in connection with the temple festival of Arulmigu Sankareshwari Amman Thirukovil situated at Veeravanchi Nagar, Kovilpatti, Thoothukudi 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 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 third respondent, but, however, the same was rejected 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 permission was granted with respect to conduct Kodai Vizha and with regard to Adal Padal Kalai Nigaltchi, the representation of the petitioner was rejected.

6.A perusal of the impugned order of rejection would go to show that without any basis the representation of the petitioner was rejected. Therefore, the order dated 08.08.2016 passed by the third respondent is liable to be set aside.

7.Under such circumstances, the Writ Petition is allowed and the order of rejection dated 08.08.2016 is set aside. The third respondent is directed to accord permission to the petitioner to conduct *Adal Padal Kalai Nigaltchi* as well as *Orchestra* in connection with the temple festival of Arulmigu Sankarashwari Amman Thirukovil situated at Veeravanchi Nagar Kovilpatti Thoothukudi District, scheduled to be held on 13.08.2016 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;

<https://hcservices.ecourts.gov.in/> 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;

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(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.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Thoothukudi district,
Thoothukudi.

2.The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Thoothukudi District.

3.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

+One cc to M/s.R.Anand, Advocate, SR.No.43903

+One cc to The Special Government Pleader, SR.No.43685

mj

RL/6C//3P/GSV/PM/SARIII/12/8/2016

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