



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2016

CORAM

WEB COPY

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.16112 of 2016

Malai. Radhakrishnan

... Petitioner

-Vs-

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

2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Thirupathur, Sivagangai District.

3.The Sub Inspector of Police,
Kandavarayanpatti Police Station,
Kandavarayanpatti,
Sivagangai 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 relating to the impugned order passed by 3rd respondent dated 21.08.2016 and quash the same and consequently direct the respondents to grant permission to conduct the "Adal Padal programme" on 05.09.2016.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.D.Muruganandam

Additional Government Pleader

O R D E R

The writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by third respondent dated 21.08.2016 and quash the same and consequently direct the respondents to grant permission to conduct the "Adal Padal programme" on 05.09.2016..

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.

<https://hcservices.ecourts.gov.in/Hcservices> 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. He would further submit that the representation given to the third respondent was rejected vide the impugned order.

5. The learned Additional Government Pleader appearing for the respondents would submit that since the matter has been stayed by the Hon'ble Supreme Court, the permission for conducting the programme was rejected.

6. The permission to conduct Adal Padal programme has been refused on the ground that the matter has been stayed by the Hon'ble Supreme Court. But, there is no such order. Therefore, the impugned order passed by the third respondent is set aside. The Writ Petition is allowed and accordingly, the third respondent is directed to accord permission to the petitioner to conduct "Adal Padal" Programme in connection with Vinayagar Chathurthi festival of Arulmigu Sir Sendrathisai Ventra Vinayagaperuman Temple, scheduled to be held on 05.09.2016 between 07.00 p.m. to 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 (P&A)

/True Copy/

Sub-Assistant Registrar



To

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

2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Thirupathur, Sivagangai District.

3.The Sub Inspector of Police,
Kandavarayanpatti Police Station,
Kandavarayanpatti,
Sivagangai District.

+One cc to Mr.R.Senthil Kumar, Advocate, SR.No.47756

+One cc to The Special Government Pleader, SR.No.47726

srm

RL/6C/3P/SS3/SARAE/1/9/2016

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29/08/2016