



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.19094 of 2016
and
WMP(MD)No.13795 of 2016

S.Marisankar
President,
Nadar Uravinmurai,
Vaithiyalingapuram Post,
Srivilliputhur Taluk,
Virudhunagar District.

... Petitioner

-vs-

1.The Inspector of Police,
Srivilliputhur Town Circle,
Srivilliputhur,
Virudhunagar District.

2.The Sub-Inspector of Police,
Vanniyampatti Police Station,
Vanniyampatti,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, call for the records relating to impugned order of first respondent herein in Na.Ka.No.07/Ka.A1/Town Circle/16 dated 28.9.2016 and quash the same and consequently direct the respondents herein to grant permission to conduct the cultural program namely Adalum and Padalum during Arulmigu Pathirakaliamman Temple, Arulmigu Mariamman Temple festival in Vaithiyalingapuram Post, Srivilliputhur Taluk, Virudhunagar District on 12.10.2016.

For Petitioner : Mr.T.Pon Ramkumar
For Respondents : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

The writ petition has been filed to quash the impugned order passed by the first respondent, dated 28.09.2016 with the consequential direction to the respondents herein to grant permission to conduct the cultural program namely Adalum and Padalum during Arulmigu Pathirakaliamman Temple, Arulmigu Mariamman Temple festival in Vaithiyalingapuram Post, Srivilliputhur Taluk, Virudhunagar District on 12.10.2016.



2. Mr.K.P.Krishna Doss, learned Government Advocate, takes notice for the respondent. By consent, the writ petition itself is taken up for final disposal.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

4. The learned counsel appearing for the petitioner would submit that the Aadalum Padalum is being conducted regularly in order to promote harmony during the above said festival period. He would further submit that the representation given to the respondent was rejected vide the impugned order, dated 28.09.2016.

5. Today, the learned Government Advocate appearing for the respondent, on instructions, would submit that the permission sought for by the petitioner may be granted with appropriate and stringent conditions so as to prevent disturbance to the public tranquility and also to avoid any untoward incident during performance of such programme.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner will advise the participants not to cause any hindrance to the law and order so as to avoid untoward incident. The said submission is recorded.

7. Accordingly, in view of the submission made by the learned Additional Government Pleader and undertaking given by the learned counsel for the petitioner, the writ petition is allowed and the impugned order is hereby quashed. The respondent police is directed to accord permission to the petitioner to conduct Aadalum Padalum on 12.10.2016 from 06.00 p.m to 10.00 p.m at Arulmigu Pathirakaliamman Temple, Arulmigu Mariamman Temple festival in Vaithiyalingapuram Post, Srivilliputhur Taluk, Virudhunagar District, by duly 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 shall 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. Consequently, connected miscellaneous petition is also closed.

Sd/

Assistant Registrar(AE)

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/True Copy/

Sub Assistant Registrar.

To

1.The Inspector of Police,
Srivilliputhur Town Circle,
Srivilliputhur,
Virudhunagar District.

2.The Sub-Inspector of Police,
Vanniyampatti Police Station,
Vanniyampatti,
Virudhunagar District.

+1CC to M/S.T.Pon Ramkumar, Advocate, SR.No. 57865

+1CC to the Special Government Pleader, SR.No. 58007

W.P(MD)No.19094 of 2016
03.10.2016

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AM/CK/SAR-III/04.10.2016/3P/5C (IT)