



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2016

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THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P (MD) No.23492 of 2016

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... Petitioner

-vs-

1.The Deputy Superintendent of Police, Melur, Madurai District.

2.The Sub-Inspector of Police, B-2 Police Station, Keelavalavu,
Melur Taluk, Madurai District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to grant permission and protection to conduct Dance Programme (Aadal Padal) on 13.12.2016 at about 09.00 p.m. to 12.00p.m., in the eve of "Poove Thiruvila" of the temple namely "Sri Veerakaliyamman Kovil" situated at Keelavalavu, Melur Taluk, Madurai District, in pursuant to the petition dated 26.11.2016.

For Petitioner : Mr.S.Saravanakumar

For Respondents : Mr.K.P.Krishna Doss

Government Advocate

ORDER

The writ petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to grant permission and protection to conduct Dance Programme (Aadal Padal) on 13.12.2016 at about 09.00 p.m. to 12.00p.m., in the eve of "Poove Thiruvila" of the temple namely "Sri Veerakaliyamman Kovil" situated at Keelavalavu, Melur Taluk, Madurai District, in pursuant to the petition dated 26.11.2016.

2.Mr.K.P.Krishna Doss, learned Government Advocate, 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 Government Advocate 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 respondents, but, however, the same was not considered by the respondents so far 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 Government Advocate appearing for the respondents, on instructions, would submit that when the dance programme was held last year on 15.12.2015, there was a group clash for which a case is registered in Cr.No.479 of 2015 by Keelavalavu Police Station and this year also, they are anticipating the same to be occurred.

6. The learned Counsel for the petitioner would submit that

the occurrence had not taken place during the dance programme and even subsequently for the past one year, there was no group clash and a peace is also prevailing in that area and the petitioner is also ready to bear entire costs for police protection and they are also ready to give an undertaking that no such untoward accident will happen and if any problem arises, they are ready to stop the programme.

7. Accordingly, in view of the submission made by the learned Government Advocate and the learned Counsel for the petitioner, the Writ Petition is disposed of with the direction to the respondent police to accord permission to the petitioner to conduct Dance Programme (Aadal Padal) on 13.12.2016 between 07.00 p.m. to 10.30 p.m., in the eve of "Poove Thiruvila" of the temple namely "Sri Veerakaliamman Kovil" situated at Keelavalavu, Melur Taluk, Madurai District by incorporating the following conditions:-

(a) the petitioner shall file necessary affidavit before the respondent police as stated above;

(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.

SD

ASST REGISTRAR (RECORDS)

TRUE COPY

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SUB ASST REGISTRAR

To

1. The Deputy Superintendent of Police, Melur, Madurai District.
2. The Sub-Inspector of Police, B-2 Police Station, Keelavalavu, Melur Taluk, Madurai District.

1CC TO MR. S. SARAVANA KUMAR, ADVOCATE SR: 78643

1CC TO THE SPL GOVT PLEADER SR: 78954

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