



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.05.2016

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.9447 of 2016

WEB COPY

A.Swaminathan

... Petitioner

-vs-

1. The Superintendent of Police,
Dindigul District,
Dindigul.

2. The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai,
Dindigul District.

.. Respondents

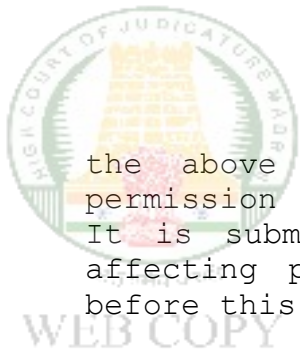
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No.13/HIPS/Ka.Aa/2016, dated 17.05.2016 and quash the same, consequently directing the respondents to grant permission and necessary protection to the perform the cultural programme(ie) Adal Padal on the eve of Arulmigu Sri Mariamman, Sri Kaliyamman, Sri Bagavathiamman, Sri Kottai Muniyappan, Sri Periyandavar temple festival at Muthanankottai, Velvarkottai Village, Veda sandur Taluk, Dindigul District, which is to be held on 26.05.2016.

For Petitioner : Mr.P.Adikesavan

For Respondents : Mr.D.Muruganandam,
Additional Government Pleader**O R D E R**

The petitioner has come forward with this Writ Petition for issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No.13/HIPS/Ka.Aa/2016, dated 17.05.2016 and quash the same, consequently directing the respondents to grant permission and necessary protection to the perform the cultural programme(ie) Adal Padal on the eve of Arulmigu Sri Mariamman, Sri Kaliyamman, Sri Bagavathiamman, Sri Kottai Muniyappan, Sri Periyandavar temple festival at Muthanankottai, Velvarkottai Village, Veda sandur Taluk, Dindigul District, which is to be held on 26.05.2016.

2.The learned counsel for the petitioner would submit that the villagers jointly decided to conduct Adal Padal Programme on 26.05.2016 in connection with a festival of Arulmigu Sri Mariamman, Sri Kaliyamman, Sri Bagavathiamman, Sri Kottai Muniyappan, Sri Periyandavar temple festival at Muthanankottai, Velvarkottai Village, Veda sandur Taluk, Dindigul District. He would further submit that in this connection, a representation was given to the respondent police on 13.05.2016, with a request to grant permission and protection to conduct the programme on



the above said date. However, the respondent Police has rejected permission stating that there is possibility of law and order problem. It is submitted by the petitioner that there is no bad antecedents affecting public peace and tranquillity. Hence, the petitioner is before this Court with this Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that there is likelihood of law and order problem in this area and that direction to the police authorities to permit and conduct the cultural programme viz., Adal Padal Programme is not appropriate.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. Considering the fact that in similar circumstances, this Court has granted permission to conduct cultural programme subject to certain conditions, the Writ Petition is allowed and the impugned order, dated 17.05.2016, is hereby set aside.

6. Having regard to the objections of the learned Additional Government Pleader appearing for the respondents, this Court feels that a mandamus directing the second respondent to grant permission and protection for conducting Adal Padal Programme on 26.05.2016 in connection with a festival of Arulmigu Sri Mariamman, Sri Kaliyamman, Sri Bagavathiamman, Sri Kottai Muniyappan, Sri Periyandavar temple festival at Muthanankottai, Velvarkottai Village, Veda sandur Taluk, Dindigul District, cannot be granted. However, the respondents are directed to consider the representation of the petitioner dated 18.05.2016 on or before 26.05.2016 subject to the conditions that are required to be followed by the petitioner / organizers of the programme to maintain law and order and considering the local needs.

7. The following conditions imposed by this Court in W.P.(MD) No.9423 of 2016, dated 25.05.2016 may also be taken into account by the respondents while passing appropriate orders:

(a) the cultural dance programme in connection with the festival of Arulmigu Sri Mariamman, Sri Kaliyamman, Sri Bagavathiamman, Sri Kottai Muniyappan, Sri Periyandavar temple festival at Muthanankottai, Velvarkottai Village, Veda sandur Taluk, Dindigul District, be held on 26.05.2016 before 10.30 p.m.

(b) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(c) double meaning songs should not be played so as to spoil the minds of students and the youth;

(d) no dance or songs, touching upon any political party or religion, community or caste be played;

(e) no flex boards in support of any political party or religious leader be erected;

(f) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;



(g) if there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

(h) similarly, the Police is empowered to stop the dance programme, if it exceeds beyond the permitted time;

(i) the participants of the programme shall not intake any kind of intoxic substance or liquor during the programme; and

(j) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

8. The respondent concerned is directed to issue necessary permission, incorporating the above conditions and ensure the observance of the conditions to maintain public order and tranquillity. It is open to the respondents to take appropriate action in the event of non-observance of the conditions stipulated. No costs.

Sd/
Vacation Officer

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Dindigul District,
Dindigul.
2. The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai,
Dindigul District.
3. The Additional Govt. Pleader,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.P. Adikesavan, Advocate in SR.No.26895
+1cc to Special Government Pleader in SR.No.26973

W.P.(MD) No. 9447 of 2016
25.05.2016

pm
PA/AAL-MPA/SAR I/25.05.2016/3P/6C (IT)