



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.9942 of 2016

P.Palanivel

... Petitioner

-vs-

1.The Superintendent of Police,
Madurai District, Madurai

2.The Inspector of Police,
Kallikudi Police Station,
Kallikudi
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 respondents to grant permission and protection for Sri Arulmigu Muthalamman Temple at Valayangulam Village, T.Arasapatti Post, Tirumangalam Taluk, Madurai district on 09.06.2016 and for the Aadal Padal dance programme on the basis of the representation given by the petitioner dated 02.06.2016.

For Petitioner : Mr.S.Sivaprakash
For Respondents: Mr.D.Muruganandam,
Addl. Govt. Pleader.

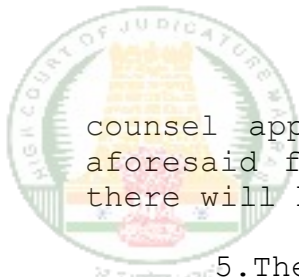
O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to grant permission and protection for Sri Arulmigu Muthalamman Temple at Valayangulam Village, T.Arasapatti Post, Tirumangalam Taluk, Madurai district on 09.06.2016 and for the Aadal Padal dance programme on the basis of the representation given by the petitioner dated 02.06.2016.

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.

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 second respondent, but, however, the same was not considered by the second respondent 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 Additional Government Pleader appearing for the respondents, on instructions, would submit that in the event of the permission being granted, it will result in law and problem.

6. To controvert the above submission, learned counsel for the petitioner has submitted that already five persons, namely, Palanivel, Kandhan, Muthupandi, Chandru and Balamurugan have given an undertaking and he has further submitted that if any untoward incident takes place, his clients will be answerable individually or collectively.

7. Accordingly, recording the undertaking given by the learned counsel for the petitioner, the Writ Petition is disposed of with the direction to the second respondent police to accord permission to the petitioner to conduct the adal padal programme in Sri Arulmigu Muthalamman Temple at Valayangulam Village, T.Arasapatti Post, Tirumangalam Taluk, Madurai district on 09.06.2016 between 07.00 p.m., and 10.30 p.m., by incorporating the following conditions:

(a) The above mentioned five persons are directed to give an undertaking to the respondent at 10:00am on 08.06.2016. 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.

Sd/

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

1. The Superintendent of Police, Madurai District, Madurai

2. The Inspector of Police, Kallikudi Police Station, Kallikudi
Madurai District.

+1CC to M/S.S.Sivaprakash, Advocate, SR.No. 28446