



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14552 of 2017

S.Ariyappan

.. Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thiruchuli,
Virudhunagar District.

2.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.

3.The Sub-Inspector of Police,
M.Rettiyappatti Police Station,
Virudhunagar District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the rejection order of the first respondent in Na.Ka.306/Mike/SDO/TCL/17, dated 31.07.2017 and quash the same as illegal and consequently direct the respondents to grant permission for conduction of Cultural Programs and Aadal Padal Dance program by imposing reasonable restriction in connection with Celebration of Temple Festival of Arulmigu Sri.Pattatharasiamman situated at Maravar Perugudi village M.Rettiyapatti via, Aruppukkottai Taluk Virudhunagar District scheduled to be held from 16.08.2017 to 18.08.2017 by 24 Manai Telungu Chettiyar Community.

For petitioner
For respondents

: Mr.M.Thirunavukkarasu
: Mr.T.S.Mohamed Mohideen
Additional Government Pleader

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This Writ Petition has been filed seeking permission to conduct Adal Padal programme in connection with the temple festival of Arulmigu Sri.Pattatharasiamman situated at Maravar Perugudi village M.Rettiyapatti via, Aruppukkottai Taluk Virudhunagar District.



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

3. The said festival is to be held from 16.08.2017 to 18.08.2017 by a particular community. The first respondent has passed the impugned order dated 31.07.2017, declining permission to hold Adal Padal. The first respondent has referred to two criminal cases registered on the earlier occasions. In the impugned order, the conditions prohibiting the use of fire crackers, display of Felx Board, usage of cone amplifier etc., have been imposed. These are all reasonable conditions.

4. However, this Court is of the view that denying permission to hold Adal Padal is not reasonable. This Court takes notice of the fact that during the conduct of Adal Padal programme, if caste based songs are sung it does give rise to controversy. Therefore, while granting permission for the Adal Padal programme, conditions can certainly be incorporated so as to avoid giving rise to law and order issues.

5. The learned counsel appearing for the writ petitioner agreed that they would confine the holding of the Adal Padal programme, to one day alone.

6. We direct the second respondent to grant permission to writ petitioner to conduct Adal Padal programme on any one evening of the three days' festival. It is open to the writ petitioner to choose the date. The Adal Padal programme shall conclude before 10.00 P.M.

7. It is open to the second respondent to incorporate such conditions which would ensure that no controversy erupts. The third condition in the impugned order dated 31.07.2017, passed by the first respondent, alone is set aside. The other conditions stand. The Writ Petition is partly allowed. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

<https://hccourt.gov.in/>
The Deputy Superintendent of Police,
Thiruchuli,
Virudhunagar District.



2.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.

3.The Sub-Inspector of Police,
M.Rettiyappatti Police Station,
Virudhunagar District.

+1cc to Mr.M.Thirunavukarasu, Advocate, SR.71361

+1cc to M/S.Special Government Pleader, SR. 71361

W.P. (MD) No.14552 of 2017
04.08.2017

KM/TSG

KK/SV AA/SAR2/09.08.2017/ 2P- 6C/