



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.8902 of 2017

and

W.M.P(MD)No.6821 of 2017

P.Chinnasamy

... Petitioner

Vs.

The Inspector of Police,
Edayakottai Police Station,
Dindigul District.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent in his proceedings C.No.41/17-EDK-CO/17 dated 07.05.2017 and quash the same as illegal, consequently directing the respondent to permit the petitioner to conduct the cultural function viz., Aadal Padal during the temple festival of Sri Kaliyamman, Sri Mariamman Temple, E.Pudur Village, Edayakottai Post, Oddanchatram Taluk, Dindigul District on 17.05.2017 between 07.00 p.m. to 12.00 p.m. and further directing the respondent to give police protection for the above said programme.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.V.Muruganandam,
Additional Government Pleader.

O R D E R

[Order of the Court was made by **T.RAJA, J.**]

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent in his proceedings in C.No.41/17-EDK-CO/17, dated 07.05.2017 and quash the same and for directing the respondent to permit the petitioner to conduct the cultural function viz., Aadal Padal during the temple festival of Sri Kaliyamman, Sri Mariamman Temple, E.Pudur Village, Edayakottai Post, Oddanchatram Taluk, Dindigul District on 17.05.2017 between



07.00 p.m. to 12.00 p.m. and also for directing the respondent to give police protection for the above said programme.

2.Learned counsel for the petitioner submitted that the festival of the said temple is scheduled to be held from 15.05.2017 to 18.05.2017. The petitioner and other villagers have decided to organise "Aadal Padal programme" in E.Pudur Village, Edayakottai Post, Oddanchatram Taluk, Dindigul District in connection with Sri Kaliyamman, Sri Mariamman Temple festival. Therefore, the petitioner submitted a representation, dated 06.05.2017, to the respondent, requesting them to grant permission therefor. The said representation has been rejected by way of the present impugned order. Challenging the same, the petitioner has filed the present writ petition, for the above mentioned relief.

3.Heard the learned Additional Government Pleader, who takes notice for the respondent.

4.A perusal of the impugned order shows that the Sub Inspector of Police attached to Edayakottai Police Station, Dindigul District, has wrongly without even application of mind, forgetting for a moment that she has to consider the case of the petitioner, whether to grant permission to hold the cultural function viz., Adalpadal during the temple festival of Sri Kaliyamman, Sri Mariamman Temple, E.Pudur Village, Edayakottai Post, Oddanchatram Taluk, Dindigul District, directed the petitioner to approach the High Court and get an order for granting permisison.

5.When the matter was taken up, M/s.M.Thilaka, Sub-Inspector of Police, Edayakottai Police Station, Dindigul District, was also present in connection with other matters. During the course of arguments, the learned Additional Government Pleader appearing for the respondent, pleaded with us to show some indulgence, since the Sub-Inspector of Police, Edayakottai Police Station, Dindigul District, inadvertently without any deliberate intention, has directed the petitioner to approach this Court for getting an order for granting permission. The officer also pleaded with us that only out of ignorance, she has directed the petitioner to approach this Court. She has also assured that she would not repeat the mistake in future and apply her mind and pass speaking order. The said statement is recorded.

6.Considering the submissions made on either side, this Court passes the following order:-

"The impugned order dated 07.05.2017 is set aside and the respondent is directed to grant permission to the petitioner to conduct "Aadal Padal programme" in E.Pudur Village, Edayakottai Post, Oddanchatram Taluk, Dindigul District, in connection with Sri Kaliyamman, Sri Mariamman



Temple festival, subject to the following conditions:

i) The event shall be conducted in an organised and peaceful manner without causing law and order problem.

ii) There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.

iii) The dance performance shall be restricted between 6.00 p.m and 11.00 p.m. On 17.05.2017.

iv) If there is any violation of the above said conditions, the respondent or the duly authorised officer is entitled to take necessary action as per law and stop such performance.

7. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Edayakottai Police Station,
Dindigul District.

+1cc to Mr.D.Venkatesh, Advocate Sr.No.56221
+1cc to Spl.Government Pleader Sr.No.56344

vb/mr/sar3/12.05.2017/3p/4c

ORDER MADE IN
W.P(MD) No.8902 of 2017
10.05.2017