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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.8974 of 2017

and

W.M.P(MD) No.6858 of 2017

P.Karthikeyan

... Petitioner

vs.

The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District.

... Respondent

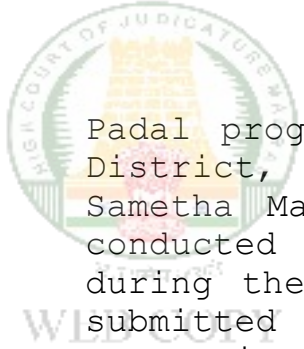
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned order Namuna dated 26.04.2017 of the respondent and to quash the same, consequently directing the respondent to grant permission and necessary protection to perform the cultural programme (ie.,) Aadal Padal on 24.05.2017 in the eve of Arul Mighu Sri Pathirakaliamman Sametha Mariammankovil "Kodai Festival" at Thottampatti, Kovilpatti Taluk, Thoothukudi District.

For Petitioner	: M/s.Lakshmi Gopinathan for M/s.Polax Legal Solutions
For Respondent	: Mr.M.Govindan, Special Government Pleader

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the Impugned order Namuna dated 26.04.2017 of the respondent and to quash the same and consequently, to direct the respondent to grant permission and necessary protection to perform the cultural programme (ie.,) Aadal Padal on 24.05.2017 in the eve of Arul Mighu Sri Pathirakaliamman Sametha Mariammankovil "Kodai Festival" at Thottampatti, Kovilpatti Taluk, Thoothukudi District.

2.Learned counsel for the petitioner submitted that the petitioner is the resident of the said village and that he is a member of the Thiruvizha committee. The said festival has been conducted in the said temple by the petitioner from time immemorial. The festival is scheduled to be held on 24.05.2017. The petitioner and other villagers have decided to organise "Aadal



Padal programme" at Thottampatti, Kovilpatti Taluk, Thoothukudi District, in connection with Arul Mighu Sri Pathirakaliamman Sametha Mariammankovil "Kodai Festival". The programme is being conducted by the villagers regularly in order to promote harmony during the above said festival period. Therefore, the petitioner submitted a representation, dated 20.03.2017 to the respondents, requesting them to grant permission therefor. The said representation has been rejected by way of the present impugned order, without assigning any valid reason and hence, challenging the same, the petitioner has filed the present writ petition for the above mentioned relief.

3. Heard the learned Special Government Pleader appearing for the respondent on the above submissions made by the learned counsel for the petitioner.

4. A perusal of the impugned order shows that the permission sought for by the petitioner has been rejected without assigning any valid reason. Further, this order cannot be sustained as it is a blanket order refusing permission for particular area. Absolutely, there is no justification in the order passed by the second respondent. Considering the same, this Court passes the following order:-

"The impugned order dated 26.04.2017 is set aside and the respondent is directed to grant permission to the petitioner to conduct "Aadal Padal programme" at Thottampatti, Kovilpatti Taluk, Thoothukudi District, in connection with Arul Mighu Sri Pathirakaliamman Sametha Mariammankovil "Kodai 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 24.05.2017.

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.

5. This Writ Petition is accordingly allowed. No costs. Consequently, W.M.P(MD)No.6858 of 2017 is closed.

Sd/-
Assistant Registrar

/True Copy/



To

The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District.

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+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.56295

+1cc to M/s. POLAX LEGAL SOLUTIONS Advocate in SR. No.56212

SMS

JS/SV/SAR.4/12.05.2017/3P-4C

W.P (MD) No.8974 of 2017

and

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10.05.2017