

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 16.05.2013****CORAM****THE HONOURABLE MR.JUSTICE M.DURAI SWAMY****W.P.(MD)No.8392 of 2013**

P.Rajaram

... Petitioner

Vs.

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

2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to grant permission and protection for cultural programme performed by "Kalai Nila" in "Urchava Thiruvizha" scheduled to be held on 23.05.2013 at Arulmigu Sri Mandukaruppannaswamy Thirukovil at Thenkarai Village, Periyakulam Taluk, Theni District.

For Petitioner	... Mr.G.Ahilarajan
For Respondents	... Mr.S.Chandrasekar, Govt. Advocate

ORDER

The petitioner seeks a writ of Mandamus directing the respondents to grant permission and protection for cultural programme performed by "Kalai Nila" in "Urchava Thiruvizha" scheduled to be held on 23.05.2013 at Arulmigu Sri Mandukaruppannaswamy Thirukovil at Thenkarai Village, Periyakulam Taluk, Theni District.

2. According to the petitioner, he has given an application before the respondents for permission to conduct the Aadal Padal Programme. However, permission was not granted under the pretext that it will create a law and order problem. Therefore, he has filed the present writ petition.

3. Mr.S.Chandrasekar, the learned Government Advocate appearing on behalf of the respondents, on instructions from the second respondent, submitted that the proposed venue of the cultural programme is on a

and therefore, permission cannot be given to the petitioner for the purpose of cultural programme.



4. Now, the learned Counsel appearing for the petitioner submitted that the petitioner is willing to change the venue to their street.

5. Having regard to the submissions made on either side, I direct the petitioner to give a fresh representation to the second respondent on or before 17.05.2013 and on receipt of such representation, the second respondent is directed to grant permission to the petitioner to conduct the Aadal Padal Programme in connection with the temple festival subject to the following conditions:

(i) There should not be any kind of obscene or vulgar dance during the performance by anyone of the participants.

(ii) The dance performance should be restricted between 06.30 p.m. and 10.00 p.m. on 23.05.2013

(iii) If there is any violation, the concerned police officer is permitted to take necessary action as per law and stop such performance: and

(iv) Similarly, the police is entitled to stop the Aadal Padal Programme, if it exceeds beyond the permitted time.

6. The second respondent is directed to issue permission incorporating the above conditions positively by 05.00 p.m. on 21.05.2013.

7. The writ petition is disposed of with the above directions. No costs.

Sd/-

Vacation Officer

/True Copy/

Sub Assistant Registrar

To:

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

2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam,Theni District.

+1cc to Mr.G.Ahilarajan,Advocate(Sr.No.28162/13)

rsb

AA/16.05.2013/2p-4c/

I.T

W.P. (MD) No.8392 of 2013

16.05.2013