

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2018

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THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.63 of 2018

Palanisamy

...Petitioner

Vs.

The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to grant permission to conduct the cultural programme and police protection on 07.01.2018 in Sri Chengama Muniappan Festival at Kinathupalayam, Pallakkapalayam Post, Kumarapalayam Taluk, Namakkal District by considering the petitioner's representation dated 28.12.2017.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.D.Raja,

Additional Govt., Pleader

O R D E R

The prayer sought for in this writ petition is to issue a writ of Mandamus directing the respondent to grant permission to conduct cultural programme and police protection on 07.01.2018 in Sri Chengama Muniappan Festival at Kinathupalayam, Pallakkapalayam Post, Kumarapalayam Taluk, Namakkal District by considering the petitioner's representation dated 28.12.2017.

2. I have heard Mr.R.Jayaprakash, learned counsel appearing for the petitioner and Mr.D.Raja, learned Additional Government Pleader appearing for the respondent Police.

3. With the consent of both sides, this writ petition is taken up for final disposal in the admission stage itself.

4. The petitioner claimed that he is the President of the organizing committee for the temple festival, going to be held on 07.01.2018. It is further claimed by the petitioner that he is residing in the village, where there is a temple called Sri Chengamma Muniappan Temple, where they have proposed to conduct

a festival called Sri Chengama Muniappan Festival on 07.01.2018. It is further claimed by the petitioner that in the event of such festival, the organizing committee has proposed to organize a cultural event like that of dance programme "ஆடல் பாடல் நிகழ்ச்சி", In order to get permission and bandobast from the respondent police, it is claimed by the petitioner that he had given a representation dated 28.12.2017 to the respondent police. However, they have not considered the same and no permission so far has been given to the petitioner. Therefore, the petitioner has approached this Court with this writ petition with the afore said prayer.

5. On perusal of the copy of the petitioner's representation dated 28.12.2017, it discloses that, the temple festival would start from 07.01.2018 and in this regard, the villagers have decided to conduct a cultural program on 07.01.2018 between 9:30 p.m. to 1:30 p.m. and for the said program, he seeks for permission and bandobast from the respondent police.

6. Apart from the copy of the representation dated 28.12.2017, no other document has been filed by the petitioner with regard to the temple festival or the program fixed by the village people or the organizing committee to have program on 07.01.2018. Moreover, this criminal original petition has been filed by an individual, who claimed to be the member of the organizing committee. Who constituted the organizing committee? Either by the village people in a whole or by majority of the people. Whether Committee said to have been constituted or formed, for performing the temple festival, has been recognized or approved by the village people by the temple authorities, is not known.

7. Be that as it may. Whenever a temple festival is performed in the village, usually a cultural program would be organized to mark such festival. Such cultural programs may be in the form of drama or dance or speeches etc. Insofar as conducting these programs not in violation of the law which is in force nor if it is performed or conducted in a peaceful manner without giving any room for any likelihood of deterioration of law and order situation in the village or in the locality concerned, there can be no impediment under the law which is in force to give such permission to organizers.

8. In this context, in similar circumstances, the learned Judge of this Court has passed an order dated 19.12.2017 in CrI.O.P.No.28310 of 2017. For easy reference, the relevant portion of the said order is extracted hereunder:

" (a) The cultural programme in connection with in the event of Cultural Program(Adal Padal) at Appakudal,

Gandhi Street Arulmigu Sree Omkalamman Temple Festival at Bhavani Taluk, Erode District on 12.01.2018 between 06.00 p.m and 11.00 p.m.

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

(c) Double meaning songs should not be played so as to spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) If there is violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary action, as per law and stop such performance forthwith; and

(h) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit.

(i) The respondent is directed to issue necessary permission, incorporating the above conditions."

9. In view of the aforesaid order having been passed by this Court and it was also claimed by the learned counsel for the petitioner that number of orders have been passed by this Court in similar circumstances, I am inclined to pass the following order in this Original Petition.

10. The respondent police is hereby directed -

(i) to verify whether an organizing committee has been constituted by the village people to perform the temple festival including cultural program scheduled to be held on 07.01.2018.

(ii) If so, the respondent shall consider to grant permission for such cultural program on 07.01.2018 or in any other date fixed or to be fixed by the organizing committee. But such permission shall not be given either to the petitioner or to any individual, instead, it shall be given to a committee consisting of atleast 10 members from the village concerned. In this regard, the respondent with the help of Revenue Officials (Revenue Inspector or VAO concerned) shall ensure that, at any rate, permission shall be given only to a committee or a group of local people

consisting of not less than 10 persons.

(iii) While giving such permission, the respondent shall impose a condition that if any unlawful activity or violation of law in general or violation of conditions imposed herein, in particular, is taken place which would ultimately create law and order problem in that locality, this committee members consisting of 10 persons shall be held responsible and stringent criminal action under the law would be initiated against them.

11. Apart from the aforesaid conditions, the following additional conditions shall also be imposed by the respondent for strict compliance of the said committee members including the petitioner herein.

(a) The cultural programme in connection with in the event of Adal Padal on 07.01.2018 at Sri Chengama Muniappan Festival at Kinathupalayam, Pallakkapalayam Post, Kumarapalayam Taluk, Namakkal District, shall be conducted between 06.00 p.m and 11.00 p.m.

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

(c) Double meaning songs should not be played so as to spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) If there is violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary action, as per law and stop such performance forthwith; and

(h) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit and

(j) the respondent is directed to issue necessary permission incorporating the above conditions.

12.With these observations/conditions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

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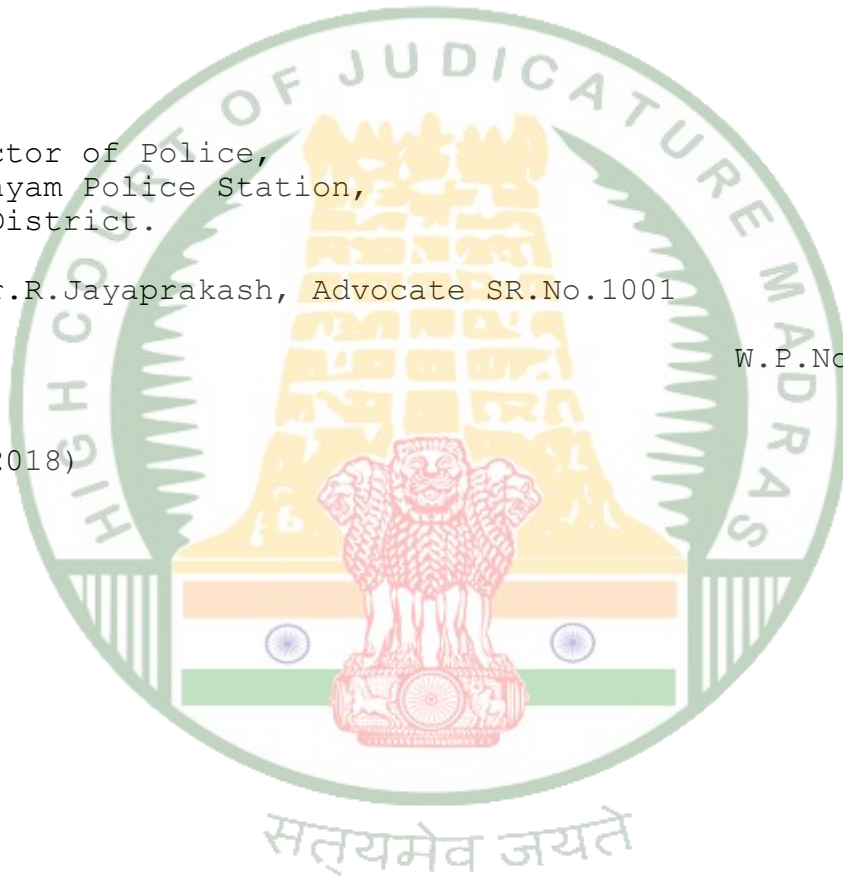
To

The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.

+1cc to Mr.R.Jayaprakash, Advocate SR.No.1001

W.P.No.63 of 2018

RK(CO)
GN(05/01/2018)



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