

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.33970 of 2017

V.S.Vijayakumar

.. Petitioner

Vs

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

2. The Inspector of Police,
Kodumudi Police Station,
Erode District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to grant permission and protection for conducting the Dance Programme in the Maha Mariamman Temple festival Vadakku Puthupalayam & Post, Vengambur Village, Kodumudi Taluk Erode District, dated 02.02.2018 (Friday) as per the petitioner's representation.

For Petitioner : Mr.K.Karthikeyan

For Respondents: Mr.S.Babu

Government Advocate

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus directing the respondent authorities to grant permission to conduct the cultural programme and police protection on 02.02.2018 in Maha Mariamman Temple festival Vadakku Puthupalayam & Post, Vengambur Village, Kodumudi Taluk Erode District, by considering the representation of the petitioner dated 05.12.2017.

2.I have heard Mr.K.Karthikeyan, learned counsel for the petitioner and Mr.S.Babu, learned Government Advocate appearing on behalf of the respondents. By consent of both sides, the main writ petition itself is taken up for final disposal.

3.The petitioner claimed to be the member of the organizing committee for the temple festival, and as a part of the festival, he claimed that, on 02.02.2018, they have fixed for a cultural program (dance program-in tamil it is called as Aadal Padal Nigazchi). It is further claimed by the petitioner, in order to get police protection for performing the said program, he had sent a representation to the second respondent on 05.12.2017, seeking permission. Since, the said representation has not been considered and no permission has been granted so far, the petitioner has approached this court with the aforesaid prayer.

4.On perusal of the copy of the petitioner's representation dated 05.12.2017, it discloses that, the temple festival would start on 02.02.2018 and in this regard, the villagers have decided to conduct a cultural program between 8 p.m., to 11 p.m., and for the said program, he seeks for permission and bandobast from the second respondent police.

5.Apart from the copy of the representation dated 05.12.2017, 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 various dates commencing from 02.02.2018. Moreover, this writ 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 and whether the Committee said to have been constituted or formed, for performing the temple festival, has been recognized or approved by the village people or by the temple authorities, is not known.

6.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.

7.In this context, the learned counsel appearing for the petitioner produced a copy of the order passed by the learned Judge of this Court in similar circumstances in Crl.O.P.No.28310 of 2017 by an order dated 19.12.2017. 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.

8. 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 Petition.

9. 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 02.02.2018.

(ii) If so, the respondent shall consider to grant permission for such cultural program on 02.02.2018 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.

10. 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 the event of festival on 02.02.2018 at Maha Mariamman Temple Festival, Vadakku Puthupalyam & Post, Vangambur Village, Kodumudi Taluk, Erode 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.

11. With the above Directions/conditions, this Writ Petition is disposed of. No costs.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

To

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

2.The Inspector of Police,
Kodumudi Police Station,
Erode District.

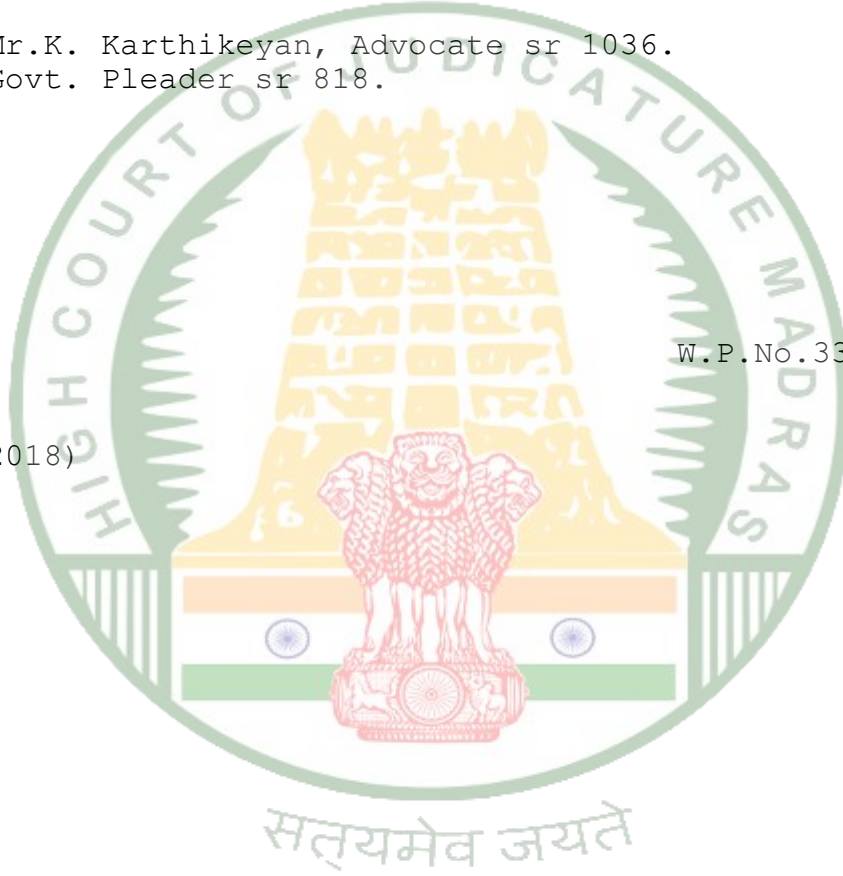
3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K. Karthikeyan, Advocate sr 1036.

+1 CC to Govt. Pleader sr 818.

W.P.No.33970 of 2017

SP(10/01/2018)



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