

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.15312 of 2018

K.Pushpanathan

.....

Petitioner

Vs.

1.The Superintendent of Police,
Namakkal, Namakkal District-637 001.

2.The Inspector of Police,
Erumapatti Police Station,
Senthamangalam Taluk,
Namakkal District- 637 020.

..... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first and second respondents to consider and pass orders on the representation dated 15.06.2018 made by the petitioner within the time frame as may be fixed by this Court, much before the fixed programme which is to be held on 02.07.2018.

For Petitioner : Mr.S.Mayilnathan
For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents herein to consider the petitioner's representation dated 15.06.2018 and thereby accord permission for the functions and to conduct "Aadal-Padal Cultural Programs" scheduled to be held on 02.07.2018 in the Temple Car Festival of the village temple namely "Sri Muthu Surumbar Kuzhali Amman Temple" festival Thippiramahadevi, Valayapatti Post, Senthamangalam Taluk, Namakkal District.

2. The learned counsel appearing for the petitioner submitted that the petitioner is a resident of Thippiramahadevi Colony, Valayapatti Post, and also claims to be the Organizer of Festival Committee. Since the committee has been conducting the dance and cultural programmes as a part of temple festival

every year in a peaceful manner without any untoward incident in the past, he has submitted a representation to the respondents on 15.06.2018 seeking permission to conduct the cultural programme on 02.07.2018. As the said representation has not been considered by the respondents so far, the petitioner is before this Court.

3. The learned Special Government Pleader appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner may be granted with appropriate stringent conditions for maintaining law and order and also to avoid any untoward incident during the performance of such programme.

4. In view of the submission made by the learned Special Government Pleader for the respondents, this writ petition is disposed of with the following directions:-

(a) The dance and cultural programmes in connection with the "Sri Muthu Surumbar Kuzhali Amman Temple" Festival scheduled to be held on 02.07.2018 situated at Thippiramahadevi, Valayapatti Post, Senthamangalam Taluk, Namakkal District.

(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 the youths.

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

(e) No flex boards in support of any political party or religious leader, be erected.

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

(g) If there is any 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.

(h) Similarly, the Police is empowered to stop the cultural programme, if it exceeds beyond the permitted time.

(i) The participants of the programme shall not intake any kind of toxic substance or liquor during the

programme.

(j) If there is any untoward incident taking place, the village people and the organizers of the programme be made responsible for the same; and

(k) In the event of causing any damages to the public properties or to the properties belong to the temple or people of locality during the conduct of such festival, the festival committee is fully responsible to pay compensation and such a compensation to be assessed and fixed by the local Inspector of Police with the Assistance of Revenue Officials and accordingly, the said compensation to be recovered in accordance with law.

(L) The Festival Committee should ensure that no nuisance or otherwise to be caused during the conduct of cultural programme. If any such nuisance has been committed, the Festival Committee is fully responsible and the Inspector of Police is at liberty to initiate appropriate action under the penal provisions for committing such nuisance.

(M) In the light of the above observations the respondents are directed to consider the representation submitted by the petitioner on 15.06.2018 and pass orders on merits and in accordance with law before the date of festival.

(N) The Cultural programmes to be conducted till 10.30 p.m., and the programme if continues beyond 10.30 p.m., then the Inspector of police is empowered to seize the speakers and other materials used for conducting such cultural programmes.

(O) Even during the conduct of programme, the Tamil Nadu Noise Pollution Rules to be followed and observed by all concerned.

However, there is no order as to costs.

Sd/-

Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

lok/stm

To

1.The Superintendent of Police,
Namakkal, Namakkal District-637 001.

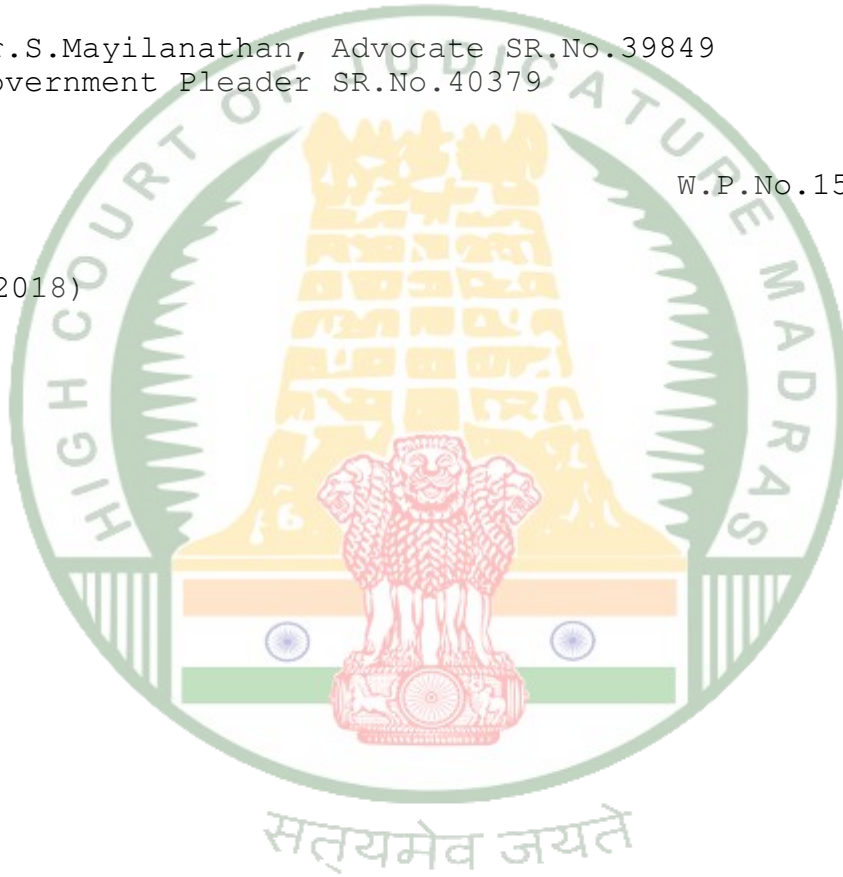
2.The Inspector of Police,
Erumapatti Police Station,
Senthamangalam Taluk,
Namakkal District- 637 020.

+1cc to Mr.S.Mayilanathan, Advocate SR.No.39849

+1cc to Government Pleader SR.No.40379

W.P.No.15312 of 2018

GN(26/06/2018)



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