



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

CORAM

THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

W.P.(MD) No.6470 of 2018

WEB COPY

K.Selvam

... Petitioner

-Vs-

The Sub-Inspector of Police,
Thevathanapatti Police Station,
Theni District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent in his proceedings in No.nil dated 20.03.2018 and quash the same as illegal and consequently direct the respondent to grant permission to conduct the "Adal Padal(Dance programme)" on 31.03.2018 at about night 07.00 pm., to 10.00 pm., for one day, to celebrate the festival in "Sri Arulmigu Uthira Kaliyamman Kovil", which is situated in Manjalaru Dam Village, Periyakulam Taluk, Theni District and consequently to give adequate police protection to the festival.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.B.Bhagawathi
Government Advocate

O R D E R

This writ petition has been filed to quash the impugned order passed by the respondent dated 20.03.2018 and consequently, direct the respondent to grant permission to conduct the "Adal Padal(Dance programme)" on 31.03.2018 at about night 07.00 pm., to 10.00 pm., for one day, to celebrate the festival in "Sri Arulmigu Uthira Kaliyamman Kovil", which is situated in Manjalaru Dam Village, Periyakulam Taluk, Theni District and consequently to give adequate police protection to the festival.

2.Heard Mr.M.Suresh, learned counsel appearing for the petitioner and Mr.B.Bhagawathi, learned Government Advocate appearing for the respondent.

3.The learned counsel appearing for the petitioner has submitted that with a view to celebrate the temple festival of "Sri Arulmigu Uthira Kaliyamman Kovil", which is situated in Manjalaru Dam Village, Periyakulam Taluk, Theni District, the petitioner gave a petition before the respondent on 20.03.2018, seeking permission and police protection for conducting 'AdalPadal' programme on 31.03.2018 at about night 07.00 pm., to 10.00 pm., but the respondent has rejected the said petition by his order dated 20.03.2018, without assigning any valid reasons and hence, the

learned counsel for the petitioner requested to set aside the impugned order and direct the respondent to give permission and also police protection for performing the aforesaid programmes.

4.The learned Government Advocate has submitted that the respondent, after considering the petitioner's request and the ground reality, has rejected the same by the impugned order.

5.The impugned order is perused. In the said order, the respondent has stated that if the petitioner is permitted to conduct the aforesaid programmes, there is a possibility that in the said programmes, they may sing songs relating to caste and that may create communal clash and law and order problem and also obscene songs may be played and hence, he has rejected the petitioner's request. If the respondent feels that during the aforesaid programmes, obscene songs may be played and songs relating to community will sing, then, he could impose reasonable restrictions and he should not have rejected the petitioner's petition abruptly.

6.Considering the aforesaid submissions, the impugned order dated 20.03.2018 is set aside and the respondent is directed to consider the representation submitted by the petitioner, dated 20.03.2018 and dispose of the same at early by keeping in mind the decision of the Hon'ble Supreme Court of India in the case of *Church of God (Full Gospel) in India Vs. K.K.R, Majestic Colony Welfare Association and Ors*, reported in 2001 - 1 - L.W. (Cr1.) 233.

7.With the aforesaid observations, this writ petition is disposed of. No costs.

Sd/
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To
The Sub-Inspector of Police,
Thevathanapatti Police Station,
Theni District.

+1cc to Mr.M.SURESH, Advocate, SR.No. 57848

W.P. (MD) No.6470 of 2018
26.03.2018

RMK
KK/SKN RSK/27.03.2018/SAR-1/2P-3C