



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. (MD) No. 8571 of 2019

&

W.M.P. (MD) No. 6683 of 2019

R. Ramalingasamy

.. Petitioner

Vs.

The State Rep. through
The Inspector of Police,
Orathanadu Police Station,
Orathanadu,
Thanjavur District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the concerned records from the respondent, quash the order passed by the respondent, dated 05.04.2019, as illegal, arbitrary and contrary to law and consequently, to direct the respondent to grant permission and protection for musical programme, namely, Adal Padal, scheduled to be held on 10.04.2019 to 12.04.2019 from 10.00 p.m. to 01.00 a.m., in Selva Vinayagar and Mariamman Temple at Thenlugankudikadu Village, Orathanadu, Thanjavur District, by considering the petitioner's application dated 05.04.2019.

For Petitioner : Mr. R. Krishnan

For Respondent : Mrs. S. Bharathi
Government Advocate
(Criminal side)

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the concerned records from the respondent, quash the order passed by the respondent, dated 05.04.2019, as illegal, arbitrary and contrary to law and consequently, to direct the respondent to grant permission and protection for musical programme, namely, Adal Padal, scheduled to be held on 10.04.2019 to 12.04.2019 from 10.00 p.m. to 01.00 a.m., in Selva Vinayagar and Mariamman Temple at Thenlugankudikadu Village, Orathanadu, Thanjavur District, by considering the petitioner's application dated 05.04.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondent.



3. The learned counsel for the petitioner submitted that the petitioner is the Village Nattamai of Thenlugankudikadu Village and Organizer of the Temple, by name Selva Vinayagar and Mariamman Temple. Every year, the Kodai Vizha festival will be celebrated in the said Temple and this year also, the Villagers planned to conduct Aadal Padal programme on 10.04.2019 to 12.04.2019 from 10.00 p.m. to 01.00 p.m. In this regard, the petitioner gave a representation to the respondent on 05.04.2019. But, the respondent had recommended to conduct the programme upto 10.00 p.m. on ground that the General Election Conduct Rules are in force. Now, the learned counsel for the petitioner, on instructions, submitted that it would suffice, if a direction may be issued to conduct the Programme on 10.04.2019 to 12.04.2019 from 08.00 p.m. to 11.00 p.m.

4. The learned Government Advocate (Criminal side) appearing for the respondent, on instructions, submitted that the respondent has no serious objection, however, apprehending law and order problem has rejected the petition. The learned Government Advocate further submitted that permission may be granted subject to stringent conditions.

5. Taking into consideration the submission of the both parties, this Court is of the opinion that permission may be granted subject to imposition of reasonable condition and thereby, the impugned order rejecting permission is liable to be set aside. Accordingly, the impugned order dated 05.04.2019 passed by the respondent is set aside. In view of the same, the respondent is directed to consider the representation of the petitioner, dated 05.04.2019 and to give permission for the Musical Programme scheduled to be held on 10.04.2019 to 12.04.2019 from 08.00 p.m. to 11.00 p.m. in Selva Vinayagar and Mariamman Temple at Thenlugankudikadu Village, Orthhanadu, Thanjavur District, subject to the following conditions:-

(a) The Programme scheduled to be held on 10.04.2019 to 12.04.2019 in Selva Vinayagar and Mariamman Temple at Thenlugankudikadu Village, Orthhanadu, Thanjavur District, should be completed before 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 as they will 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 conducted beyond the permitted time limit.

(i) The petitioner as well as the Organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.

6.It is open to the respondent police to impose any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting up any flex board representing any community.

7.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS III)

To

1.The Inspector of Police,
Orathanadu Police Station,
Orathanadu,
Thanjavur District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P.(MD)No.8571 of 2019

10.04.2019

smn2

DS/ /SAR- (11.04.2019) 3P 3C