

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.3893 of 2021

D.Sathishkumar

... Petitioner

Vs

The Inspector of Police,
Namakkal Police Station,
Namakkal Taluk,
Namakkal District

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent authority to give permission to conduct Cultural programme (Adal Padal Nigalchi) in the event of Vettampadi, Arunthathiyar Street Arulmigu Sree Mariamman and Madurai Veeran Temple Festival at Namakkal Taluk and District on 24.02.2021 between 06.00 p.m. to 11.00p.m by considering the petitioner's representation dated 10.02.2021.

For petitioner

...

Mr.A.Sathish Kumar

For Respondent

...

Mr.V.Shanmugasundar
Spl.Govt.Pleader

ORDER

Mr.V.Shanmugasundar, learned Special Government Pleader accepts notice on behalf of the respondent.

2. By consent of both the parties, this writ petition is taken up for final disposal.

3. This Writ Petition has been filed for a mandamus seeking for a direction to the respondent to give permission to conduct cultural programme (Adal Padal Nigalchi) on the occasion of Vettampadi, Arunthathiyar Street Arulmigu Sree Mariamman and Madurai Veeran Temple Festival at Namakkal Taluk and District on 24.02.2021 between 6.00p.m to 11.00p.m by considering the petitioner's representation dated 10.02.2021.

4. According to the petitioner, he is the Secretary of the festival Committee of Arulmigu Sree Mariamman and Madurai Veeran Temple Festival at Namakkal Taluk and District. According to him, the temple has

been conducting cultural programmes in a peaceful manner regularly. According to the petitioner, the temple intends to conduct a cultural programme (Adal Padal Nigalchi) at the aforementioned temple on 24.02.2021 at 6.00p.m. The petitioner has given a representation to the respondent on 10.02.2021 seeking permission to conduct the cultural programme on 24.02.2021 between 6.00p.m and 11.00p.m. Since the respondent has not considered the petitioner's representation, the petitioner has approached this Court under Article 226 of the Constitution of India.

5. Heard Mr.A.Sathishkumar, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader for the respondent.

6. Mr.V.Shanmugasundar, learned Special Government Pleader, on instructions, would submit that the representation dated 10.02.2021 mentioned in the affidavit filed in support of this Writ Petition was never received by the respondent. Hence, he would submit that the petitioner will have to give a fresh representation in person by today (23.02.2021) and the

said representation should be given by the petitioner in his individual capacity without representing any political party. For this submission, the learned counsel for the petitioner, on instructions, also agrees.

7. No prejudice will be caused to the respondent if the petitioner's representation is considered on merits and in accordance with law before the scheduled date of temple festival i.e., on 24.02.2021.

8. For the foregoing reasons, this Court directs the petitioner to give a fresh representation in person to the respondent today (23.02.2021) seeking for permission to conduct the cultural programme on 24.02.2021 between 6.00 p.m and 10.00 p.m during Vettampadi, Arunthathiyar Street Arulmigu Sree Mariamman and Madurai Veeran Temple Festival at Namakkal Taluk and District and on receipt of the said representation, the respondent shall consider the said representation on merits and in accordance with law, subject to the fulfilment of the following conditions by the petitioner.

(a) The cultural programme in connection with the event of festival of Vettampadi, Arunthathiyar Street Arulmigu Sree Mariamman and Madurai Veeran Temple Festival at Namakkal Taluk and District shall be conducted on 24.02.2021 between 06.00 p.m and 10.00 p.m.

(b) The petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) as charges, to the respondent Police and on receipt of the same, the respondent Police is directed to issue receipt and proceed further.

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

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

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

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

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

(h) 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

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

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

(h) Original Aadhar Card will have to be produced by the petitioner for verification of the respondent and the same shall be returned to the petitioner after verification.

9. With the aforesaid direction, the Writ Petition is disposed of .

No costs.

22.02.2021

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Note : Upload/Issue order copy on 23.02.2021

Index: Yes/ No
Internet: Yes/No
Speaking Order/Non-speaking Order

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To

The Inspector of Police,
Namakkal Police Station,
Namakkal Taluk,
Namakkal District



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ABDUL QUDDHOSE, J.

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