

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.03.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.4168 of 2021

M.Eswaran

... Petitioner

Vs

1. The Superintendent of Police,
Salem,
Salem District - 636 002.

2. The Inspector of Police,
Panamarathupatti Police Station,
Salem Taluk,
Salem District - 636 204.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first and second respondents to grant permission to conduct the cultural programme of Adal Padal on 12.03.2021 at 6.00 p.m. to 11.00 p.m. at "Sri Mariamman Temple Festival" Sandhaipettai, Panamarathupatti, Salem Taluk, Salem District, by considering and passing orders on the representation dated 13.02.2021 made by the petitioner within the time frame as may be fixed by this Hon'ble Court.

For Petitioner

... Mr.S.Mayilnathan

For Respondents

... Mr.V.Shanmugasundaram,
Special Government Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the first and second respondents to grant permission to conduct the cultural programme of Adal Padal on 12.03.2021 at 6.00 p.m. to 11.00 p.m. at "Sri Mariamman Temple Festival" Sandhaipettai, Panamarathupatti, Salem Taluk, Salem District, by considering the petitioner's representation dated 13.02.2021.

2. Mr.V.Shanmugasundaram, learned Special Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. According to the petitioner, he is a resident of the locality where the aforementioned temple is situated. According to the petitioner, the temple intends to conduct a cultural programme (Adal Padal Nigalchi) at the aforementioned temple on 12.03.2021 between 06.00 p.m. and 11.00 p.m. The petitioner has given a representation to the respondents on 13.02.2021 seeking permission to conduct the cultural programme on 12.03.2021. Since the respondent has not considered the petitioner's representation, the petitioner has approached this Court under Article 226 of the Constitution of India.

4. Heard Mr.S.Mayilnathan, learned counsel for the petitioner and Mr.V.Shanmugasundaram, learned Special Government Pleader appearing for the respondents.

5. Mr.V.Shanmugasundaram, learned Special Government Pleader appearing for the respondents, on instructions, would submit that the respondents are willing to permit the petitioner to conduct the cultural programme subject to fulfillment of certain stringent conditions that have been imposed by this Court time and again. He would further submit the cultural programme to be conducted by the petitioner should end by 10.00 p.m and cannot continue beyond the said time. For this submission, the learned counsel for the petitioner agrees.

6. For the foregoing reasons, this Court directs the 2nd respondent to grant permission to the petitioner to conduct cultural programme (Adal Padal Nigalchi) on the occasion of "Sri Mariamman Temple Festival" Sandhaipettai, Panamarathupatti, Salem Taluk, Salem District on 12.03.2021 between 06.00 p.m and 10.00 p.m. subject to the fulfilment of the following conditions by the petitioner.

(a) The cultural programme in connection with the event of Festival of Sri Mariamman Temple at Sandhaipettai, Panamarathupatti, Salem Taluk, Salem District shall be conducted on 12.03.2021 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 2nd respondent Police and on receipt of the same, the 2nd 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 2nd respondent is directed to issue necessary permission, incorporating the above conditions.

(k) The petitioner will have to produce the original Aadhar Card with the 2nd respondent for verification and the same shall be returned by the 2nd respondent to the petitioner after verifying the authenticity of the petitioner.

(l) Covid-19 Protocol should be followed.

7. With the aforesaid direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Salem, Salem District - 636 002.

2. The Inspector of Police,
Panamarathupatti Police Station,
Salem Taluk,
Salem District - 636 204.

AKM/05.03.21 /3P-3C/

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