

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.4906 of 2021

S.Ashok Kumar

... Petitioner

Vs

The Inspector of Police,
Rasipuram Police Station,
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 the cultural program (Adal Padal) in the event of Muthukalipatti Arulmigu Sree Mariamman Temple Kumbabishekam Festival at Rasipuram Taluk, Namakkal District on 03.03.2021 between 06.00 pm to 11.00p.m by considering the petitioner's representation dated 20.02.2021.

For petitioner ... Mr.C.Nandhakumar

For Respondent ... Mr.K.Parameshwaran
Govt.Advocate

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondent to grant permission to conduct Cultural Programme (Adal Padal) to be held on 03.03.2021 between 6.00 p.m. and 11.00 p.m. in connection with Muthukalipatti Arulmigu Sree Mariamman Temple Kumbabishekam Festival at Rasipuram Taluk, Namakkal District, by considering the petitioner's representation dated 20.02.2021.

2.Mr.K.Parameshwaran, learned Government Advocate accepts notice on behalf of the respondent. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3.The petitioner claims that he is a resident in the locality where the aforementioned temple is situated. It is the case of the petitioner that he proposes to conduct a cultural

programme during the aforementioned temple festival scheduled to take place on 03.03.2021 between 06.00 p.m. and 11.00 p.m. The petitioner has given a representation to the respondent on 20.02.2021 seeking permission to conduct the cultural programme on 03.03.2021 between 06.00p.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.

4.Heard Mr.C.Nandhakumar, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate appearing for the respondent.

5.Mr.K.Parameshwaran, learned Government Advocate appearing on behalf of the respondent, on instructions, would submit that the respondent is 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 respondent to grant permission to the petitioner to conduct cultural programme (Adal Padal) on the occasion of Muthukalipatti Arulmigu Sree Mariamman Temple Kumbabishekam Festival at Rasipuram Taluk, Namakkal District on 03.03.2021 between 06.00p.m and 10.00p.m, subject to the fulfilment of the following conditions by the petitioner.

(a) The cultural programme in connection with the event of festival of Muthukalipatti Arulmigu Sree Mariamman Temple Kumbabishekam Festival at Rasipuram Taluk, Namakkal District, shall be conducted on 03.03.2021 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 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.

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

Srn

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

+ 1 cc to Mr. Nandakumar, Advocate Sr.12125
+ 1 cc to Government pleader Sr.12814

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MG (CO)
EU 2.3.2021