



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

WP (MD)No.6680 of 2021 &

WMP (MD)No.5154 of 2021

WEB COPY

Sethupathy Raja

... Petitioner

vs.

1.The Superintendent of Police,
Pudukkottai District.

2.The Election Officer / Sub-Collector (Special),
Thirumayam Legislative Assembly Constituency,
Pudukkottai District.

3.The Inspector of Police,
Arimalam Police Station,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the proceedings of the second respondent in Na.Ka.1420/2021/E dated 18.03.2021 and quash the conditions 6 and 8 and consequently provide permission to conduct Arichandra Mayana Kandan Drama on 30.03.2021 from 10.00 pm to 6.00 pm on 31.03.2021 in connection with festival of Arulmigu Manmatha Swamy Temple at Thanjur Village, Thirumayam Taluk, Pudukkottai District.

For Petitioner
For Respondents

:Mr.P.Ganapathi Subramanian
:Mr.S.Chandra Sekar,
Additional Public Prosecutor

O R D E R

By consent, this Writ Petition is taken up for final hearing at the admission stage itself.

2. Mr.S.Chandra Sekar, learned Additional Public Prosecutor accepts notice on behalf of the respondents.

3. Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner would submit that Arichandra Mayana Kandan Drama is scheduled to be held on 30.03.2021 in connection with festival of Arulmigu Manmatha Swamy Temple at Thanjur Village, Thirumayam Taluk, Pudukkottai District . His further contention is that he submitted a representation dated 18.03.2021 seeking permission to conduct the said Drama, and the second respondent issued the proceedings contending that the petitioner can conduct Arichandra Mayana Kandan Drama and conclude it before 10.00 p.m. The learned counsel drew



the attention of this Court to the orders passed by the Single Judge of this Court in W.P.(MD)No.7380 of 2019, dated 28.03.2019, in which, it is held thus:

"....2.The petitioner is one of the Mandagapaditharar for conducting the petition mentioned festival. The petitioner wants to conduct drama programme on 30.03.2018 during night. Even though he submitted an application to the respondent, till date it has not been considered. Since the petition mentioned event is to be conducted only in connection with the Temple festival, Election code of conduct will not apply.

3.Therefore, the respondent is directed to give permission to the writ petitioner for conducting the drama incorporating appropriate conditions. It is submitted that the event starts around 10.00 a.m and would go upto the early hours. Therefore, while granting permission, the respondent shall not impose any restriction with regard to timings.."

4.In view of the above decision, the second respondent is directed to consider the representation of the petitioner once again and pass appropriate orders afresh without making any restrictions on the timings.

5.With the above observation, this petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Superintendent of Police,
Pudukkottai District.

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Thirumayam Legislative Assembly Constituency,
Pudukkottai District.

3.The Inspector of Police,
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Pudukkottai District.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-13463[F] dated
24/03/2021)

WP(MD)No.6680 of 2021 &
WMP(MD)No.5154 of 2021

24.03.2021

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