



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2021

CORAM :

THE HONOURABLE **Mr.JUSTICE G.ILANGO VAN**

W.P.(MD)No.7304 of 2021

Anbaransan

...Petitioner

/Vs./

1.The Superintendent of Police,
Madurai District, Madurai.

2.The Deputy Superintendent of Police,
Usilampatti, Madurai District.

3.The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.

4.The District Collector,
Madurai District, Madurai.

...Respondents

[R-4 is impleaded vide Order of this Court dated 07.04.2021 in
W.M.P.(MD)No.5799 of 2021.]

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the fourth respondent herein to consider the petitioner's representation and to direct the third respondent to grant permission and give police protection to conduct "Adalum Padalum" dance programme on 09.04.2021 from 07.00 p.m., to 11.00 p.m., in pursuant to the "Panguni Pongal Festival" of Arulmigu Mandhaiman Temple at Meiyampatti Village, Seemanathu Panchayat, Usilampatti Taluk, Madurai District by considering the petitioner's representation dated 26.03.2021.

[Prayer is amended vide Order of this Court dated 07.04.2021 in
W.M.P.(MD)No.5801 of 2021.]

For Petitioner : Mr.S.Balaji

For Respondents : Mr.R.Srinivasan

Government Advocate (Criminal Side)

ORDER

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



2.Mr.R.Srinivasan, learned Government Advocate (Criminal Side) accepts notice for the respondents.

3.Mr.S.Balaji, learned counsel appearing for the petitioner would submit that the petitioner is hereditary head of the Arulmigu Mandhaiaimman Temple at Meiyampatti Village, Seemanathu Panchayat, Usilampatti Taluk, Madurai District and that cultural events are scheduled to be held on 09.04.2021. His further contention is that he submitted a representation dated 26.03.2021 to the respondents seeking permission to conduct the said programme and till date, no action has been taken by the respondents.

4.The contention of Mr.R.Srinivasan, learned Government Advocate (Criminal Side) is that as per G.O.(Ms)No.654 (Revenue and Disaster Management (DM-IV) Department) dated 21.11.2020, the District Collector is the competent authority to consider the request of the petitioner. He would further submit that the respondents will comply with the orders to be passed by this Court. In the facts and circumstances, even though, the fourth respondent is the competent authority, since the festival is scheduled to be held on 09.02.2021, there will be no time for the petitioner, to make a fresh representation to the fourth respondent for consideration.

5.So, after hearing the parties, the following orders passed:-

(a)The cultural programme in connection with the event of Arulmigu Mandhaiaimman Temple at Meiyampatti Village, Seemanathu Panchayat, Usilampatti Taluk, Madurai District, shall be conducted on 09.04.2021 between 06.30 p.m., and 08.30 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 so as to 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 played beyond the permitted time limit.

(i) The respondents are directed to issue necessary protection and permission, incorporating the above conditions.

(j) It is made clear that the concerned police officer shall give due consideration to any person, other than the petitioner, who may claim rights of conducting cultural programme and take a final decision after giving due consideration to such rival contentions.

(k) The programme organizers are strictly directed to follow the Covid-19 protocol passed by the Government in keeping the social distance, sanitation of the participant etc., Similarly, this order will take effect only subject to the orders to be passed by the Government of Tamilnadu considering the present Covid-19 situation.

6. With the above term, this petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-)

// 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,
Madurai District, Madurai.

2.The Deputy Superintendent of Police,
Usilampattii, Madurai District.

3.The Inspector of Police,
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Madurai District.

4.The District Collector,
Madurai District, Madurai.

+1 CC to M/s.S.BALAJI, Advocate (SR-15402[F] dated 07/04/2021)

W.P. (MD)No.7304 of 2021
07.04.2021

mj (CO)

TR(08.04.2021) 4P 6C