



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2021

CORAM :

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

W.P.(MD)No.7503 of 2021
and
WMP(MD)No.5682 of 2021

Vimal

...Petitioner

/Vs./

1.The Superintendent of Police,
Theni District.

2.The Election Officer,
Revenue Divisional Officer,
Uthamapalayam,
Theni District.

3.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, call for the records relating to the impugned order in Na.Ka.No.0060/2021/A2, passed by the second respondent, dated 24.03.2021, and quash the same as illegal and consequently, direct the second respondent to give permission and protection to perform the 'Karakattam' on 09.04.2021, "Aadal - Padal" on 10.04.2021 and " Inniasai Katcheri" on 11.04.2021 respectively in respect of the temple festival namely "Sri Kaliyamman Kovil" situated at Pannaipuram, Uthamapalayam Taluk, Theni District.

For Petitioner : Mr.K.Kevin Karan

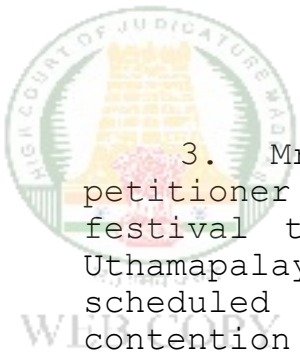
For Respondents : Mr.R.Srinivasan

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.K.Kevin Karan, learned counsel appearing for the petitioner would submit that the petitioner is the member of festival team of "Sri Kaliyamman Kovil" situated at Pannaipuram, Uthamapalayam Taluk, Theni District and the cultural events are scheduled to be held on 09.04.2021 to 11.04.2021. His further contention is that he submitted a representation dated 23.03.2021 to the second respondent seeking permission to conduct the said programmes. Even though, the permission was granted to the petitioner with certain conditions, due to Covid-19 pandemic, the same was rejected by the respondents to conduct entertainment programme.. He would further submit that the petitioner is willing to confine the cultural programme conducting 'Orchestra' for 2 hours on 09.04.2021.

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.

5. By the impugned order dated 24.03.2021, the Election Officer/Revenue Divisional Officer, Uthamapalayam, Theni District, has passed an order, permitting the celebration of temple festival on 09.04.2021 to 11.04.2021 subject to certain conditions. Now, the grievance of the petitioner is that even though the celebration of the temple festival was permitted, no permission was given for conducting Karakattam' 'Aadal - Padal' and 'Inniasai Katcheri' during the above said dates.

6. So, considering the present Covid-19 situation, it appears that no permission was granted for conducting entertainment programmes. But, however, considering the request made by the petitioner and also considering the fact that he is willing to confine the entertainment programme for conducting only 'Orchestra' for 2 hours on 09.04.202. After hearing the parties, the following orders passed:-

(a)The cultural programme in connection with the event of "Sri Kaliyamman Kovil" situated at Pannaipuram, Uthamapalayam Taluk, Theni 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 local 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 participants 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.

7. With the above term, this petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

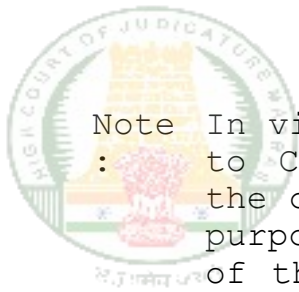
Assistant Registrar(Writs)

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/ /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 Superintendant of Police,
Theni District.
- 2.The Election Officer,
Revenue Divisional Officer,
Uthamapalayam,
Theni District.
- 3.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.KEVINKARAN, Advocate (SR-15427[F] dated 07/04/2021)

W.P. (MD)No.7503 of 2021
07.04.2021

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