



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2021

CORAM :

WEB COPY

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

W.P.(MD)No.7685 of 2021

A.Chinnasamy

...Petitioner

/Vs./

1.The District Collector,
Madurai District.

2.The Inspector of Police,
Elumalai Police Station,
Madurai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to grant permission and necessary Police Protection to perform the cultural programme (ie.,) Adal Padal Dance Programme on 08.04.2021 at 06.00 pm to 11.00 pm in the Festival of Arulmighu Sri Kaliyamman Sri Bahavathi Amman Thirukovil at Manuthu Village, Usilampatti Taluk, Madurai District.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr.R.Srinivasan

Government Advocate (Criminal Side)

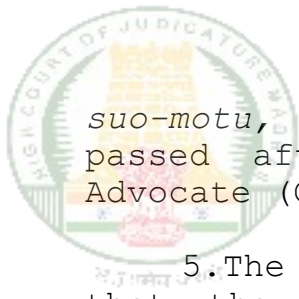
ORDER

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.Eventhough the matter was called in the morning and passed over in the evening, there is no representation for the petitioner. So, it was marked as dismissed.

4.Thereafter, Mr.V.Manikandan, the learned counsel appearing for the petitioner turned up at 04.30 p.m and would submit that he went out of the Court making representation in some other batch matters and went out the Court under the impression, the matter was passed over for orders. It appears that there was some misunderstanding by the learned counsel for the petitioner during the calling hours. So, the order of the dismissal order is recalled



suo-motu, since the order was not passed on merits. This order is passed after hearing the objection of the learned Government Advocate (Criminal side).

5.The learned counsel appearing for the petitioner would submit that the petitioner is the organizer of Thiru Vizha festival committee of Arulmighu Sri Kaliyamman Sri Bahavathi Amman Thirukovil at Manuthu Village, Usilampatti Taluk, Madurai District and that cultural events are scheduled to be held on 08.04.2021. His further contention is that he submitted a representation dated 01.4.2021 to the respondents seeking permission to conduct the said programme and till date, no action has been taken by the respondents.

6.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 first respondent is the competent authority, since the festival is scheduled to be held on 08.04.2021, there will be no time for the petitioner, to make a fresh representation to the first respondent for consideration.

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

(a)The cultural programme in connection with the event of Arulmighu Sri Kaliyamman Sri Bahavathi Amman Thirukovil at Manuthu Village, Usilampatti Taluk, Madurai District, shall be conducted on 08.04.2021 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,

<https://hcservices.ecourts.gov.in/hcservices/> 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.

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

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 District Collector,
Madurai District.

2. The Inspector of Police,
Elumalai Police Station,
Madurai District.

W.P. (MD) No. 7685 of 2021
08.04.2021

svn(CO)

TR(08.04.2021) 3P 3C

<https://hcservices.ecourts.gov.in/hcservices/>