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BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT
DATED: 22.04.2022
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
W.P(MD)No.7837 of 2022

V.Kannaiyan ... Petitioner

Vs

1.The Superintendent of Police,
Subramaniyapuram,
Trichirappalli District.

2.The Inspector of Police,
Thiruverumbur Police Station,
Trichirappalli District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to grant permission and protection to entire celebration of Vaigasi Festival at Sri Arulmighu Kaveri Amman Ellaipidari Temple, Keelakurichi Village, Thiruverumbur Taluk, Trichy District to conduct the Village Folk dance and cultural programme commencing from 26.04.2022 to 06.05.2022 in connection with the Vaigasi Festival at night from 10.00 p.m., to 05.00 a.m., based on the petitioner's representation, dated 19.04.2022.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl. Side)

ORDER

The prayer in this Writ Petition is to the respondents to grant permission and protection to entire celebration of Vaigasi Festival at Sri Arulmighu Kaveri Amman Ellaipidari Temple, Keelakurichi Village, Thiruverumbur Taluk, Trichy District to conduct the Village Folk dance and cultural programme commencing from 26.04.2022 to 06.05.2022 in connection with the Vaigasi Festival at night from 10.00 p.m., to 05.00 a.m., based on the petitioner's representation, dated 19.04.2022.

2.Though the learned counsel appearing for the petitioner sought for permission to celebrate the Vaigasi Festival at Sri Arulmighu Kaveri Amman Ellaipidari Temple, Keelakurichi Village, Thiruverumbur Taluk, Trichy District and to conduct the Village Folk dance and cultural programme commencing from 26.04.2022 to 06.05.2022, now the learned counsel appearing for the petitioner restricted to conduct the cultural programme from 27.04.2022 to 01.05.2022.

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3.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor (Criminal Side) appearing on behalf of the respondents.

4. In an identical matter, a Division Bench of this Court in an order passed in ***W.P.(MD) No.8975 of 2017 dated 10.05.2017 [M.Sakthi Vs. State rep. by the Inspector of Police, Odapatti Police Station, Odapatti, Theni District]***, had granted permission to the petitioner therein to conduct cultural programme on certain conditions. The said conditions read as follows:

> *"a)The event shall be conducted in an organised and peaceful manner without causing law and order problem.*
>
> *b)There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.*
>
> *c)The aadal padal Program shall be restricted between 6.00 pm., and 11.00 p.m.*
>
> *d)If there is any violation of the above said conditions, the respondents or the duly authorised officer is entitled to take necessary action as per law and stop such performance.*
>
> *e)In case if there is any discrepancy with regard to the date on which the program is to be conducted, it would be open to the respondent police to extend protection on some other day after giving due notice to the petitioner".*

5. This Court is of the view that similar conditions may also be imposed in the present writ petition. Consequently, the Writ Petition Stands allowed. The petitioner is directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as costs to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) on or before 27.04.2022 and on receipt of the same, the second respondent is directed to strictly adhere to the Standard Operating Procedure adopted by the Government of Tamil Nadu and grant permission to the writ petitioner to conduct the cultural program (ie.,) Folk dance and cultural programme commencing from 27.04.2022 to 01.05.2022 between 6.00 p.m., to 11.00 p.m., at Sri Arulmighu Kaveri Amman Ellaipidari Temple, Keelakurichi Village, Thiruverumbur Taluk, Trichy District subject to the aforesaid conditions. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-)

// True Copy //

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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,
Subramaniyapuram,
Trichirappalli District.

2.The Inspector of Police,
Thiruverumbur Police Station,
Trichirappalli District.

3. The Officer Incharge,
Chief Ministers Public Relief Fund,
Finance(CMPRF) Department, Government of Tamil Nadu,
Secretariat, Chennai 600 009.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-20861[F] dated 25/04/2022)

Order made in
W.P(MD)No.7837 of 2022
22.04.2022

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TR(25.04.2022) 3P 6C

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