



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.05.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

WP(MD). No. 9316 of 2022

V.Balaguruvan

... Petitioner

Vs

1.The Superintendent of Police,
Office of Superintendent of Police,
SH44, District Collectorate,
Solakkari, Viruthunagar District-626002

2. The Sub Inspector of Police,
Amatthur Police Station,
Amatthur,
Virudhunagar District.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to grant appropriate permission and adequate protection to conduct the Amman Azhaippu Poojas on 25.05.2022 and cultural programmes (Aadalaum Padalaum) on 26.05.2022 between 9.30 am to 11.00 pm on the eve of the festival of the Sri Muthalamman Temple Kalari Pongal situated in Vadamalaikuruchi Village, Virudhunagar District.

For Petitioner : Ms. R. Vijayalakshmi
For Respondents : Mr.R.Sivakumar
Government Advocate
(Criminal Side).

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents 1 and 2 to grant appropriate permission and adequate protection to conduct the Amman Azhaippu Poojas on 25.05.2022 and cultural programmes (Aadalaum Padalaum) on 26.05.2022 between 9.30 am to 11.00 pm on the eve of the festival of the Sri Muthalamman Temple Kalari Pongal situated in Vadamalaikuruchi Village, Virudhunagar District.

2.Heard the learned counsel's on either side.

3.The petitioner's request for conducting the cultural programme has not been acted upon by the respondent police, which



prompted the petitioner to file the present writ petition.

4. In identical circumstances, this Court had been granting permission to conduct Adal Padal events and similar cultural events, to various similarly placed petitioners. In the case of ***M. Sakthi Vs. State rep. by the Inspector of Police, Odapatti Police Station, Odapatti, Theni District*** passed in ***W.P.(MD) No.8975 of 2017 dated 10.05.2017***, a Hon'ble Division Bench of this Court had granted such a permission, with certain conditions. This Court is of the view that if the same conditions imposed in ***M. Sakthi***'s case (supra) are imposed to the present writ petitioners, the ends of justice could be secured.

5. Accordingly, there shall be a direction to the respondent herein to grant permission to the petitioner to conduct the temple festival and cultural programme on 25.05.2022 and 26.05.2022 at Sri Muthalamman Temple Kalari Pongal situated in Vadamalaikuruchi Village, Virudhunagar District between 8.00 a.m. and 11.00 p.m., subject to the following conditions:

'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 cultural Program shall be restricted between 8.00 a.m. 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.

f) In case, there are rival applicants for the same function, it is open to the Inspector of Police/concerned police to hear their objections and take a decision in accordance with the order passed by this Court.'

g) All the participants shall wear masks and maintain social distancing as per the norms fixed by the Government owing to COVID-19 situation.



6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Vacation Officer ()

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

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,
Office of Superintendent of Police,
SH44, District Collectorate,
Solakkari, Viruthunagar District-626002
2. The Sub Inspector of Police,
Amatthur Police Station,
Amatthur,
Virudhunagar District.
3. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.R. VIJAYALAKSHMI, Advocate (SR-23490[F] dated 06/05/2022)

WP(MD). No. 9316 of 2022

Date : 05/05/2022

SJ(CO)

KB(13.05.2022) 3P 5C