



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.05.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

WP(MD). No.9361 of 2022

P.Vellaisamy

... Petitioner

Vs

1.The Deputy Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Palanichettipatti Police Station,
Theni 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 2nd respondent to grant permission and necessary protection to perform the cultural program (ie.,) Adal Padal on 11.05.2022 and 13.05.2022 at 07.00 PM to 10.00 PM in the evening of Arulmighu Sri Maha Mariyamman, Maha Kaliyamman Thirukovil Thiruvila, Main Road, Mariyamman Kovilpatti, Kodangipatti, Theni District.

For Petitioner : Mr.J.Krishnakumar

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 2nd respondent to grant permission and necessary protection to perform the cultural program (ie.,) Adal Padal on 11.05.2022 and 13.05.2022 at 07.00 PM to 10.00 PM in the evening of Arulmighu Sri Maha Mariyamman, Maha Kaliyamman Thirukovil Thiruvila, Main Road, Mariyamman Kovilpatti, Kodangipatti, Theni District.

2.Heard the learned counsels 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 petitioner, the ends of justice could be secured.

5. Accordingly, there shall be a direction to the 2nd respondent herein to grant permission to the petitioner to conduct the cultural programme on 11.05.2022 and 13.05.2022 at Arulmighu Sri Maha Mariyamman, Maha Kaliyamman Thirukovil Thiruvila, Main Road, Mariyamman Kovilpatti, Kodangipatti, Theni 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 stands disposed of. There shall be no order as to costs.

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// True Copy //

Sd/-

Assistant Registrar (P&A)

/ /2022

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 Deputy Superintendent of Police,
Theni District,
Theni.
2. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

WP(MD) No.9361 of 2022

Date : 05/05/2022

SVS(CO)

GC(10.05.2022) 3P 4C