



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.05.2022

CORAM

THE HONOURABLE MR. JUSTICE **M.S.RAMESH**

W.P (MD).No.9411 of 2022

R.Sattanathan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Ambasamudram, Tirunelveli District.

2.The Inspector of Police,
Kallidaikurichi Police Station,
Kallidaikurichi,
Tirunelveli District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified mandamus, calling for the records of the second respondent by his impugned order dated 22.04.2022 and quash the same in respect of rejecting the permission to conduct Karakattam and Orchestra alone and consequently direct the respondents to grant permission and protection for conduct 'Karakattam and Orchestra' on 13.05.2022 and 14.05.2022 in Arulmigu Sudalai Madasamy Thirukovil, Pappankulam, Ambasamudram Taluk, Tirunelveli District.

For Petitioner : Mr.N.Vignesh

For Respondents : Mr.B.Thanga Aravindh

Government Advocate (Criminal side)

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent by his impugned order dated 22.04.2022 and quash the same in respect of rejecting the permission to conduct Karakattam and Orchestra alone and consequently direct the respondents to grant permission and protection for conduct 'Karakattam and Orchestra' on 13.05.2022 and 14.05.2022 in Arulmigu Sudalai Madasamy Thirukovil, Pappankulam, Ambasamudram Taluk, Tirunelveli District.

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



3.The petitioner's request for conducting the cultural programme has been rejected by the second respondent, 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, the impugned order dated 22.04.2022 passed by the second respondent is hereby quashed and there shall be a direction to the second respondent herein to grant permission to the petitioner to conduct the cultural programme on 13.05.2022 and 14.05.2022 at Arulmigu Sudalai Madasamy Thirukovil, Pappankulam, Ambasamudram Taluk, Tirunelveli 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.

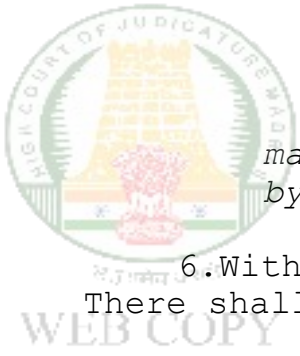
b)There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.

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 disposed of. There shall be no order as to costs.

Sd/-
Vacation Officer

// True Copy //

10/05/2022
Sub Assistant Registrar (CS)

tsg/pnn

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,
Ambasamudram, Tirunelveli District.
2. The Inspector of Police,
Kallidaikurichi Police Station,
Kallidaikurichi,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N. VIGNESH, Advocate (SR-23531[F] dated 06/05/2022)

ORDER
IN

WP (MD) No.9411 of 2022
06.05.2022

SRK (CO)
GC (10.05.2022) 3P 5C