



WP(MD)No21701 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.09.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.21701 of 2022

Chithumurugan

... Petitioner

/vs./

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Madurai District.

2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Thirumangalam,
Madurai District.

3.The Inspector of Police,
Austinpatti Police Station,
Austinpatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records and set aside impugned proceeding passed by the 3rd respondent in Na.Ka.No.32/MIKE/D5-PS/2022 dated 07.09.2022, and consequently direct the respondents to allow the Adal Padal cultural Program on 29.09.2022, at 7.00 PM to 10.00 PM in the light



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of Sri Manthaiamman temple at Surakkulam Village, Thirumangalam Taluk, Madurai District, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Ponraj

For Respondents : Mr.B.Nambi Selvan

Additional Public Prosecutor

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, calling for the records and set aside impugned proceeding passed by the 3rd Respondent in Na.Ka.No.32/MIKE/D5-PS/2022 dated 07.09.2022 and directing the Respondents to allow the cultural program (Adal Padal) on 29.09.2022 in connection with the Thiruvizha of Sri Manthaiamman temple at Surakkulam Village, Thirumangalam Taluk, Madurai District.

2.Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the Respondents, who takes notice for the Respondents. By consent, the Writ Petition itself is taken up for final disposal.



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3.The learned Counsel appearing for the Petitioner submitted that the Petitioner gave a representation to the Respondent police to grant permission for conducting "Aadalum Paadalum" programme on 29.09.2022, which was rejected by the 3rd Respondent on the ground that law and order problem may arise. Hence, the Petitioner filed this Petition to quash the proceedings of the 3rd Respondent and seeks permission to conduct the programme.

4.The learned Additional Public Prosecutor appearing for the Respondents, on instructions, would submit that the permission sought for by the Petitioner may be granted with appropriate and stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such programme. He would further submit that there is no case pending against the Petitioner.

5.In view of the submission made by the learned Additional Public Prosecutor, the Writ Petition is disposed of, with a direction to the Respondent concerned to accord permission and Police Protection to conduct the Cultural



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Programme in connection with the above said festival of the said Temple for above said date, between 7.00 p.m., and 10.00 p.m., by incorporating the following conditions:

- a) Obscene dance/songs/vulgar dialogues should be avoided during the programme and the performers must be decently clothed;
- b) Songs conveying obscene double meaning should not be played in order to avoid awkwardness;
- c) No dance or song, touching upon the conduct of any political party or community or caste be played;
- d) No flex boards in support of any political party or religious leader or caste leaders be erected;
- e) The programme shall be conducted without showing any discrimination based on caste/community etc., and it shall be ensured that it is towards promoting communal harmony;
- f) The Participants of the programme shall not intake any kind of intoxicating substance or liquor during the programme;
- g) In respect of untoward incident occurring, the organizers of the programme be responsible for the same;



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h) The Organizers shall have the names and other particulars of performers;

i) If there is any violation of any of the conditions imposed, the S.H.O. of the Police Station concerned is at liberty to take necessary action, as per law and stop such performance.

6.The impugned order passed by the 3rd Respondent in Na.Ka.No. 32/MIKE/D5-PS/2022 dated 07.09.2022 is hereby set aside. No costs.

15.09.2022

Index : Yes / No

Internet : Yes / No

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Note: Issue Order Copy on 19.09.2022.

TO:

- 1.The Superintendent of Police,
O/o. the Superintendent of Police,
Madurai District.
- 2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Thirumangalam, Madurai District.
- 3.The Inspector of Police,
Austinpatti Police Station,
Austinpatti, Madurai District.

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SATHI KUMAR SUKUMARA KURUP, J.

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Order made in
W.P.(MD)No.21701 of 2022

Dated:
15.09.2022