

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.09.2022**

CORAM:

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

W.P.(MD)No.21737 of 2022

S.AlaguChellasamy

... Petitioner

/vs./

1.The Superintendent of Police
Sivagangai District
Sivagangai

2. The Deputy Superintendent of Police,
Manamadurai Range,
Sivagangai District

3.The Sub Inspector of Police,
Palayanur Police Station
Sivagangai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to grant permission and necessary protection to perform the cultural programmes i.e., Adal Padal on 14.09.2022 on the eve of Arulmigu Manthai Muthumariamman Temple Festival at Piramanur Village, Thiruppuvanam Taluk, Sivagangai District .

For Petitioner : Mr.A.Karthik
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the Respondents to give permission to conduct a cultural program (Adal Padal) scheduled to be held on 14.09.2022 in connection with Temple festival at Arulmigu Manthai Muthumariamman, Piramanur Village, Thiruppuvanam Taluk, Sivagangai District

2.The learned Additional Public Prosecutor takes notice for the Respondents. By consent, the Writ Petition itself is taken up for final disposal.

3.Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the Respondents.

4.The learned Counsel appearing for the Petitioner would submit that as the aforesaid festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this celebration.

5.The learned Additional Public Prosecutor appearing for the Respondents objected to grant permission on the ground that there is some law and order problem in that area. He also submitted that the learned Counsel for the Petitioner may submit a better affidavit before this Court.

6. In view of the same, the learned Counsel for the Petitioner is directed to file better affidavit and therefore the case was passed over. By 1.30 pm., the learned Counsel for the Petitioner filed a better affidavit signed by one G.Arivukkarasu and the copy was also served to the learned Additional Public Prosecutor.

7. The learned Additional Public Prosecutor submit that this Petitioner's son involved in a case under the provisions of SC/ST Act in Crime No.72 of 2022 and the same is pending before the third Respondent. He also stated that in the year

2017 there was communal clash in the village. He would further 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.

8.In view of the submission made by the learned Additional Public Prosecutor, the Writ Petition is disposed of, with a direction to the Respondents concerned to accord permission and Police Protection to conduct the Cultural Programme in connection with the above said festival of the said Temple on 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 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;

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

i) If there is any violation of any of the conditions imposed, the Station Housing Officer concerned is at liberty to take necessary action, as per law and stop such performance and proceed as per law in the light of the circular issued by the Director General of Police.

No costs.

14.09.2022

Index : Yes / No

Internet : Yes / No

aav

Note: Issue Order Copy on 14.09.2022.

TO:

- 1.The Superintendent of Police
Sivagangai District
Sivagangai
2. The Deputy Superintendent of Police,
Manamadurai Range,
Sivagangai District
- 3.The Sub Inspector of Police,
Palayanur Police Station
Sivagangai District
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

WP(MD)No.21737 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

aav

Order made in
W.P.(MD)No.21737 of 2022

Dated:
14.09.2022