

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.10.2022**

CORAM:

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

W.P.(MD)No.23125 of 2022

Selvam

... Petitioner

/vs./

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

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

3.The Inspector of Police,
Allinagaram Police Station,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the the third respondent to grant permission and protection for cultural event namely Aadal Padal scheduled to be held on 13.10.2022 at night in connection 'Puratasi Festival' in Arulmigu Sri Manthaiamman Kovil at Chokkadevanpatti Village, Alagapuri Post, Periyakulam Taluk, Theni District by considering the petitioner's representation dated 01.09.2022.

For Petitioner : Mr.J.Yeya Aron Raja
For Respondents : Mr.R.Sivakumar
Government Advocate (Crl. Side)

ORDER

The Petitioner has filed the this Writ Petition to issue a Writ of Mandamus, directing the third respondent to grant permission and protection for cultural event namely Aadal Padal scheduled to be held on 13.10.2022 at night in connection 'Puratasi Festival' in Arulmigu Sri Manthaiamman Kovil at Chokkadevanpatti Village, Alagapuri Post, Periyakulam Taluk, Theni District by considering the petitioner's representation dated 01.09.2022.

2.The learned Government Advocate (Crl. Side) 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 Government Advocate (Crl. Side) 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. He would also submit that the Petitioner is the Member of the festival committee.

5.The learned Government Advocate (Crl. Side) 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 as per the circular of the Director General of Police, Tamil Nadu, Chennai had issued a circular memorandum in Rc. 007301/Genl.I (1)/2019, dated 09.04.2019, along with instructions to the Inspectors of Police throughout Tamil Nadu. He would also submit that no previous case is pending against the Petitioner.

6. In view of the submission made by the learned Government Advocate this Writ Petition is allowed, 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 concerned Police Officer is at liberty to take necessary action, as per law and stop such performance.

No costs.

11.10.2022

Index : Yes / No

Internet : Yes / No

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To:

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

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3.The Inspector of Police,
Allinagaram Police Station,
Theni District.

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SATHI KUMAR SUKUMARA KURUP, J.

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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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