



W.P(MD). No.23293 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:06.10.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

W.P(MD). No.23293 of 2022

A.P.K.Sundaraja Perumal

... Petitioner

Vs

- 1.The District Collector,
Viruthunagar District,
Viruthunagar.
- 2.The Superintendent of Police,
Viruthunagar District,
Viruthunagar.
- 3.The Deputy Superintendent of Police,
Srivilliputhur Division,
Viruthunagar.
- 4.The Inspector of Police,
Vathirairuppu Police Station,
Vathirairuppu,
Viruthunagar 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 respondents to grant permission to conduct “Music Orchestra” scheduled



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to be conducted on 05.10.2022 at about 08.00 pm., to 11.00 pm., and to conduct “Cultural Dance” on 08.10.2022 at about 08.00 pm., to 11.00 pm., in the temple festival namely “Vathirayiruppu Sri Muthalamman Kovil” at Vathiraiyuruppu Village, Viruthunagar District by considering the petitioner's representation dated 26.09.2022.

For Petitioner : Mr.S.Udhayakumar

For Respondents : Mr.A.Albert James
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents to grant permission to conduct “Music Orchestra” scheduled to be conducted on 05.10.2022 at about 08.00 pm., to 11.00 pm., and to conduct “Cultural Dance” on 08.10.2022 at about 08.00 pm., to 11.00 pm., in the temple festival namely “Vathirayiruppu Sri Muthalamman Kovil” at Vathiraiyuruppu Village, Viruthunagar District by considering the petitioner's representation dated 26.09.2022.

2.Heard the learned counsel 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.



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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 respondent police herein to grant permission to the petitioner to conduct the cultural programme on 05.10.2022 and 08.10.2022 at “Vathirayiruppu Sri Muthalamman Kovil” at Vathiraiyuruppu Village, Viruthunagar District, between 6.00 p.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.



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c)The cultural Program shall be restricted between 6.00 p.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 is disposed of.

There shall be no order as to costs.

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Internet : Yes

Index : Yes/No

Speaking/Non Speaking order

Rmk

Note:Issue Order copy on 07.10.2022

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To

- 1.The District Collector,
Viruthunagar District,
Viruthunagar.
- 2.The Superintendent of Police,
Viruthunagar District,
Viruthunagar.
- 3.The Deputy Superintendent of Police,
Srivilliputhur Division,
Viruthunagar.
- 4.The Inspector of Police,
Vathirairuppu Police Station,
Vathirairuppu,
Viruthunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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T.V.THAMILSELVI, J.

Rmk

ORDER
IN
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