



W.P.(MD).No.23320 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2022

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P(MD)No.23320 of 2022

N.S.Balamurugan

... Petitioner

vs.

1.The Assistant Commissioner of Police,
Thirupparankundram,
Madurai City.

2.The Inspector of Police,
W1 Thirunagar Police Station,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in MLR No.166/2022, dated 01.10.2022 and quash the same as illegal, consequently directing the respondents to grant permission and necessary protection to conduct the Adal Padal Programme on 13.10.2022 at 08.00 pm to 10.00 pm in connection with Thiru Vizha of Arulmigu Sri Veyilugantha Amman Thirukovil, Thirukumaran Nagar, Thirunagar, Madurai.

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For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.A.Albert James

Government Advocate (Crl.side)

ORDER

This writ petition has been filed challenging the impugned order passed by the second respondent in his proceedings in MLR No. 166/2022, dated 01.10.2022 and to quash the same and consequently directing the respondents to grant permission and necessary protection to conduct the Adal Padal Programme on 13.10.2022 at 08.00 pm to 10.00 pm in connection with Thiru Vizha of Arulmigu Sri Veyilugantha Amman Thirukovil, Thirukumaran Nagar, Thirunagar, Madurai.

2. Heard the learned counsel on either side.

3. The petitioner's request for conducting the Adal Padal programme has been rejected by the second respondent, which prompted the petitioner to file the present writ petition.



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4. The learned Government Advocate (Crl.side) appearing for the respondents has raised an objection for conducting the Adal Padal programme stating that in the year 2016, during the temple festival, one person was murdered and if permission is granted to conduct the festival, law and order problem will occur.

5. In reply, the learned counsel appearing for the petitioner would submit that in the year 2019, the said temple festival was conducted and to that effect, the earlier order of the Inspector of Police, W-1 Thirunagar Police Station, Madurai City also produced before this Court and the same was also perused by this Court.

6. Considering the above said submissions, this Court is inclined to quash the impugned order passed by the second respondent. Accordingly, the impugned order dated 01.10.2022 in MLR.No.166/2022 is quashed.

7. In identical circumstances, this Court had been granting



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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.

8. Accordingly, there shall be a direction to the respondent police herein to grant permission to the petitioner to conduct the cultural programme on 13.10.2022 in connection with Thiru Vizha of Arulmigu Sri Veyilugantha Amman Thirukovil, Thirukumaran Nagar, Thirunagar, Madurai, 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



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by any one of the participants or others.

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.

9. In the result, this Writ Petition is allowed. There shall be no order as to costs.

07.10.2022

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To

- 1.The Assistant Commissioner of Police,
Thirupparankundram,
Madurai City.
- 2.The Inspector of Police,
W1 Thirunagar Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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T.V.THAMILSELVI,J.

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