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W.P.No.18951 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.CHANDRASEKHARAN**

W.P.No.18951 of 2023

M.Sivakumar

...Petitioner

Vs.

The Inspector of Police,
Pochampalli Police Station,
Pochampalli Taluk,
Krishnagiri District-635206.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned proceeding dated 15.06.2023 from the file of the respondent, quash the same and further direct the respondent to consider the petitioner's representation dated 15.06.2023 for seeking police protection and to grant permission to conduct the cultural programme of Adal Padal on 29.06.2023 at 06.00 PM to 11.00 PM at "Sri Ponniamman Temple Festival" Nallappanayakkanur Village, Shandhur Post, Pochampalli Taluk, Krishnagiri District.

For Petitioner : Mr.G.Satheesh

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



W.P.No.18951 of 2023

ORDER

This Writ Petition has been filed calling for the entire records relating to the impugned proceeding dated 15.06.2023 from the file of the respondent, quash the same and further direct the respondent to consider the petitioner's representation dated 15.06.2023 for seeking police protection and to grant permission to conduct the cultural programme of Adal Padal on 29.06.2023 at 06.00 PM to 11.00 PM at “Sri Ponniamman Temple Festival” Nallappanayakkanur Village, Shandhur Post, Pochampalli Taluk, Krishnagiri District.

2. The learned counsel for the petitioner submitted that the petitioner submitted a representation to the Inspector of Police, Pochampalli Police Station, seeking permission for organizing Adal Padal event of “Sri Ponniamman Temple Festival” Nallappanayakkanur Village, Shandhur Post, Pochampalli Taluk, Krishnagiri District, on 29.06.2023. The said representation was rejected on the ground that the permission to be obtained from this Court. Challenging the said order, this petition is filed.

3. Heard the learned counsel for the petitioner and the learned



W.P.No.18951 of 2023

Government Advocate(Crl.side) for the respondent.

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4. The Director General of Police, Tamil Nadu, Chennai, issued two circulars in Rc.No.159539/Crime.4(3)/2018 signed on 31.10.2018 and in Rc.007301/Genl.I(1)/2019, dated 09.04.2019 setting out the conditions to be imposed before permission is given for the Adal Padal program. Despite such circulars, the authorities to whom petitions are made for granting permission are not acting upon the circulars. When dealing with this issue of this Court in W.P.(MD) No.12535 of 2023 dated 24.05.2023, the Hon'ble Division Bench of this Court, this Court passed the following order:-

“15. Therefore, this Court, in order to give a quietus to such issues, disposes of this writ petition with the following directions:

(a) On the seventh day from the date of the receipt of the representation, for the conduct of the cultural program (Adal Padal), associated with any temple festival, if the authorities do not take steps either to grant permission or reject permission, there shall be a deemed permission on the eighth day;

(b) On such deemed permission, the organisers, who shall be the responsible members of the festival committee, shall ensure that only cultural programs having some relevance to the temple or the festival in question would be conducted and there shall not be any obscene display/dance being conducted;

(c) The program shall not extend beyond 10 p.m.;

(d) No women participating in the cultural program would be depicted or portrayed in an obscene or undignified manner either in the form of clothing or otherwise;



W.P.No.18951 of 2023

(e) The music that shall be used shall be in sync with the precincts of the temple and double meaning songs should not be played;

(f) There shall be no supply of alcohol or any intoxicating material in and around the area where cultural program is scheduled to be held;

In case of violation of any conditions, it is open to the authorities to initiate such action as is required under law and the persons who are the organisers/committee members shall be held responsible. The Public Prosecutors shall ensure circulation of this order to the Superintendent of Police of all the Districts for issuing suitable instructions to their subordinate officers. No costs."

5. Subsequently, the Director General of Police, Tamil Nadu, Chennai issued a circular in Rc.03316/General.I(1)/2023, dated 01.06.2023 giving guidelines for considering the request for permission to conduct Adal Padal programme. When clear directions are given to the respondent to consider the request for conducting Adal Padal program and pass orders either granting or rejecting the permission, driving the petitioner to approach this Court for getting order for conducting Adal Padal program is nothing but shirking the responsibility of the respondent and violation of the order passed by this Court and also the aforesaid circular issued by the Director General of Police, Tamil Nadu, Chennai.

6. Therefore, on the expiry of the seventh day from the date of giving



W.P.No.18951 of 2023

representations, it is deemed that the respondent gave permission for conducting

Adal Padal program. The petitioner may conduct the Adal Padal program during

“Sri Ponniamman Temple Festival” Nallappanayakkanur Village, Shandhur

Post, Pochampalli Taluk, Krishnagiri District on 29.06.2023, as per the

directions in Paragraph 15 of the order passed by this Court in W.P.(MD)

No.12535 of 2023 dated 24.05.2023 and the Circular of Director General of

Police, Tamil Nadu, Chennai in Rc.03316/General.I(1)/2023, dated 01.06.2023.

As the respondent did not exercise the duty and responsibility expected of him,

this Court directs the Superintendent of Police, Krishnagiri District to take

appropriate departmental action against the respondent, Inspector of Police for

directing the petitioner to approach this Court for getting permission to conduct

Adal Padal program.

7. With the above directions, this Writ Petition is disposed of. No costs.

27.06.2023

Index :Yes/No

Internet :Yes/No

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G.CHANDRASEKHARAN, J.



WEB COPY



W.P.No.18951 of 2023

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To

1. The Superintendent of Police, Krishnagiri District.
2. The Inspector of Police,
Pochampalli Police Station,
Pochampalli Taluk,
Krishnagiri District-635206.
3. The Public Prosecutor,
High Court of Madras.

W.P.No.18951 of 2023

27.06.2023