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W.P.No.19177 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

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

W.P.No.19177 of 2023

M.Sekar

...Petitioner

Vs.

The Sub Inspector of Police,
Samalpatti Police Station,
Samalpatti,
Krishnagiri District.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent dated 14.06.2023 and quash the same and consequently directing the respondent to grant permission and police protection to conduct cultural programme (Adal Padal Nigalchi) in the event of S.Mottur Village, Arulmigu Sree Mariyamman Temple Kumbabishekam Festival at Uthangarai Taluk, Krishnagiri District on 28.06.2023 between 06.00 PM and 11.00 PM.

For Petitioner : Mr.A.Sathishkumar

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



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ORDER

This Writ Petition has been filed calling for the records of the respondent dated 14.06.2023 and quash the same and consequently directing the respondent to grant permission and police protection to conduct cultural programme (Adal Padal Nigalchi) in the event of S.Mottur Village, Arulmigu Sree Mariyamman Temple Kumbabishekam Festival at Uthangarai Taluk, Krishnagiri District on 28.06.2023 between 06.00 PM and 11.00 PM.

2. The learned counsel for the petitioner submitted that the petitioner submitted a representation to the Inspector of Police, Samalpatti Police Station, seeking permission for organizing Adal Padal event of S.Mottur Village, Arulmigu Sree Mariyamman Temple Kumbabishekam Festival at Uthangarai Taluk, Krishnagiri District, on 28.06.2023. 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 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;

(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;



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(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 shriking 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 representations, it is deemed that the respondent gave permission for conducting Adal Padal program. The petitioner may conduct the Adal Padal program during



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S.Mottur Village, Arulmigu Sree Mariyamman Temple Kumbabishekam Festival

at Uthangarai Taluk, Krishnagiri District, on 28.06.2023, 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.

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Index :Yes/No
Internet :Yes/No
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G.CHANDRASEKHARAN, J.

mn

To

1. The Superintendent of Police, Krishnagiri District.
2. The Sub Inspector of Police,
Samalpatti Police Station,
Samalpatti,
Krishnagiri District.
3. The Public Prosecutor,
High Court of Madras.

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