



W.P (MD).No.12187 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.05.2023

CORAM

THE HONOURABLE MRS. JUSTICE **T.V.THAMILSELVI**

W.P (MD).No.12187 of 2023

S.Pon Sudalairaj

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Sathankulam Sub-Division,
Sathankulam,
Thoothukudi District.

3.The Inspector of Police,
Sathankulam Police Station,
Sathankulam,
Thoothukudi District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the third respondent to grant permission and necessary protection to conduct the festival between 6.00 p.m. on 02.06.2023 to 6.00 a.m. on 03.06.2023 to Sri Sudalaimadasamy Temple, Semmankudiyiruppu, Karungadal Village, Thoothukudi District by considering the petitioner's representation dated 29.04.2023.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)



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ORDER

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This Writ Petition has been filed to issue a Writ of Mandamus, to direct the third respondent to grant permission and necessary protection to conduct the festival between 6.00 p.m. on 02.06.2023 to 6.00 a.m. on 03.06.2023 in Sri Sudalaimadasamy Temple, Semmankudiyiruppu, Karungadal Village, Thoothukudi District on the basis of petitioner's representation, dated 29.04.2023.

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.

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



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the present writ petitioner, the ends of justice could be secured.

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5. Accordingly, there shall be a direction to the third respondent herein to grant permission to the petitioner to conduct the festival on 02.06.2023 at Sri Sudalaimadasamy Temple, Semmankudiyiruppu, Karungadal Village, Thoothukudi District **between 8.00 a.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.

c)The cultural Program shall be restricted between 8.00 a.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.'



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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.

17.05.2023

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
vsd

To

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

2. The Deputy Superintendent of Police,
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Sathankulam,
Thoothukudi District.

3. The Inspector of Police,
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T.V.THAMILSELVI, J.

vsd

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