



W.P (MD)No.12192 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.12192 of 2023

S.Muthukumar

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Periyakulam Circle,
Theni District.

2.The Inspector of Police,
Devathanapatti Police Station,
Devathanapatti,
Theni District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to grant permission and necessary protection for conducting "Vaigasi Pongal" festival followed by cultural programs including the dance program (Adal Padal) schedule to be at 06.00 p.m. on 24.05.2023 at Arulmigu Sri Mariamman Thirukovil at Genguvarpatti Village, Periyakulam Taluk, Theni District based on the representation dated 09.05.2023.

For Petitioner : Mr.K.Srinivasaragavan

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 second respondent to grant permission and necessary protection for conducting "Vaigasi Pongal" festival followed by cultural programs including the dance program (Adal Padal) schedule to be at 06.00 p.m. on 24.05.2023 at Arulmigu Sri Mariamman Thirukovil at Genguvarpatti Village, Periyakulam Taluk, Theni District on the basis of petitioner's representation, dated 09.05.2023.

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



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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 second respondent herein to grant permission to the petitioner to conduct the "Adal Padal" Programme on 24.05.2023 at Arulmigu Sri Mariamman Thirukovil at Genguvarpatti Village, Periyakulam Taluk, Theni 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



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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.

17.05.2023

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

To

1. The Deputy Superintendent of Police,
Periyakulam Circle,
Theni District.

2. The Inspector of Police,
Devathanapatti Police Station,
Devathanapatti,
Theni District.



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T.V.THAMILSELVI, J.

vsd

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