



W.P.(MD).No.11295 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.05.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.11295 of 2024

A.Raja

... Petitioner

Vs

1.The Thasildhar / Assistant Returning Officer,
Thirupathur Taluk,
Sivagangai District.

2.The Superintendent of Police,
O/o the Superintendent of Police,
Sivagangai,
Sivagangai District.

3.The Deputy Superintendent of Police,
O/o the Deputy Superintendent of Police,
Thirupaththur,
Sivagangai District.
Tiruchirapalli District.

4.The Sub-Inspector of Police,
Puluthipatti Police Station,
Singampunari Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call



W.P.(MD).No.11295 of 2024

for the records pertaining to the impugned order passed by the respondent No.4 dated Nil and quash the same as illegal and consequently direct the Respondents to grant permission to conduct temple festival in Arulmigu Shree Muthalamman Thirukovil festival function and other cultural programs along with Adal and Padal program which will be held on 30.05.2024 at about 7.00 to 10.00 pm in the Temple Hall situated opposite to the Arulmigu Shree Muththalamman Thirukovil festival at Chinnathenampatti, Dharmappatti post, Singampunari taluk, Sivagangai District and to give necessary police protection to the said temple functions.

For Petitioner : Mr.K.Dinesh

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

ORDER

This Writ Petition is filed challenging the impugned order, dated Nil passed by the fourth respondent and to give permission to conduct temple festival in Arulmigu Shree Muthalamman Thirukovil festival function and other cultural programs along with Adal and Padal program which will be held on 30.05.2024 at about 7.00 to 10.00 pm in the Temple Hall situated opposite to the Arulmigu Shree Muththalamman Thirukovil festival at Chinnathenampatti, Dharmappatti post, Singampunari taluk, Sivagangai District and to give necessary police protection to the said temple functions.



W.P.(MD).No.11295 of 2024

2. In similar matters, where permission was sought for to conduct Adal Padal programmes, the Hon'ble Division Bench of this Court in ***W.P. (MD).No.12535 of 2023*** in the case of ***C.Sathasivam Vs. The Superintendent of Police, Trichy and another***, had an occasion to consider the issue and in the said decision dated 24.05.2023, the Division Bench had issued the following directions to the respondents therein:

“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.(MD).No.11295 of 2024

(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.”

3. In the instant case, the petitioner has given a representation to the respondents seeking permission to conduct dance programme. Necessarily, the respondents will have to abide by the directions of the Division Bench of this Court in the aforesaid decision. However, as seen from the impugned order, the directions issued by the Division Bench have not been considered by the fourth respondent while rejecting the petitioner's representation. In view of the same, the impugned order has to be quashed and the representation of the petitioner will have to be considered by the fourth respondent afresh on merits and in accordance with law after giving



W.P.(MD).No.11295 of 2024

due consideration to the directions issued by the Division Bench of this Court in ***W.P.(MD).No.12535 of 2023 dated 24.05.2023*** in the case of ***C.Sathasivam Vs. The Superintendent of Police, Trichy and another.***

4. Accordingly, the impugned order dated Nil passed by the fourth respondent is hereby quashed and the fourth respondent is directed to pass final orders on merits and in accordance with law on the petitioner's representation, dated 09.05.2024 in the light of the directions issued by the Division Bench of this Court on 24.05.2023 in ***W.P.(MD).No.12535 of 2023*** in the case of ***C.Sathasivam Vs. The Superintendent of Police, Trichy and another***, on or before 27.05.2024.

5. In view of the above, this Writ Petition is allowed. There shall be no order as to costs.

22.05.2024

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

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Note : Issue order copy on 24.05.2024.



W.P.(MD).No.11295 of 2024

To

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Sivagangai District.
2. The Superintendent of Police,
O/o the Superintendent of Police,
Sivagangai,
Sivagangai District.
3. The Deputy Superintendent of Police,
O/o the Deputy Superintendent of Police,
Thirupaththur,
Sivagangai District.
Tiruchirapalli District.
4. The Sub-Inspector of Police,
Puluthipatti Police Station,
Singampunari Taluk,
Sivagangai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD).No.11295 of 2024

S.SRIMATHY, J.

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W.P.(MD).No.11295 of 2024

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