



W.P(MD)No.23330 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.23330 of 2024

and

W.M.P.(MD)No.19754 of 2024

S.Sivalingam

...Petitioner

Vs.

1.The Assistant Commissioner of Police,
Thirupparankundram,
Madurai City.

2.The Inspector of Police,
W1 Thirunagar Police Station,
Madurai.

... 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 for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.227/W1 L&O PS/MC/2023, dated 21.09.2024 and quash the same as illegal, consequently directing the respondents to grant permission and necessary protection to conduct the Adal Padal Programme on 03.10.2024 at 07.00 pm to 10.00 pm in connection with Thiru Vizha of Arulmigu Sri Alagunatchiamman, Sri Ayyanar Thirukovil, Vilacheri, Madurai.



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For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The Writ Petition is directed against the rejection order dated 21.09.2024 passed by the second respondent and for direction to the respondents to grant permission and necessary protection to conduct the Adal Padal Programme on 03.10.2024 at 07.00 p.m. to 10.00 p.m. in connection with Thiru Vizha of Arulmigu Sri Alagunatchiamman, Sri Ayyanar Thirukovil, Vilacheri, Madurai.

2. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the writ petitioner would submit that “Thiru Vizha” of Arulmigu Sri Alagunatchiamman, Sri Ayyanar Thirukovil, Vilacheri, Madurai is going to be held on 03.10.2024 and subsequent to the same, in order to conduct “Adal Padal”



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programme on 03.10.2024, they sought permission by giving a representation dated 21.09.2024 before the second respondent, that the second respondent has passed the impugned order dated 21.09.2024 rejecting the permission and that therefore, the writ petitioner was constrained to approach this Court.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that in the previous year, during the adal padal programme, there arose issues and on that basis, FIR came to be registered in Crime No.762 of 2023 and on the said reason, the second respondent has rejected the writ petitioner's representation. He would further submit that the writ petitioner may be directed to file an undertaking affidavit stating that no such untoward incident will occur, while conducting the adal padal programme and that the organizers may be directed to follow the conditions, which were given by the Hon'ble Division Bench of this Court in ***W.P(MD)No.12535 of 2023, dated 24.05.2023.***

5. At this juncture, the learned counsel appearing for the writ petitioner would submit that they are ready to file an undertaking



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affidavit as stated by the learned Additional Public Prosecutor and that they will follow the directions of the Hon'ble Division Bench without any deviation.

6. It is necessary to refer the directions issued by the Hon'ble Division Bench in ***W.P.(MD)No.12535 of 2023, dated 24.05.2023.***

“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



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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;

(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.”

7. It is also brought to the notice of this Court that the Director General of Police, Tamil Nadu, Chennai had issued a circular memorandum in Rc.007301/Genl.I (1)/2019, dated 09.04.2019, along with instructions to the Inspectors of Police throughout Tamil Nadu for consideration of applications seeking permission for conducting cultural



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programme. Therefore, in view of the detailed circular and guidelines issued by the Director General of Police and taking note of the undertaking on behalf of the writ petitioner that they will follow the direction of the Hon'ble Division Bench and also the fact that the writ petitioner's representation for conducting Adal Padal programme came to be rejected, the writ petitioner is directed to give a fresh representation and also file an undertaking affidavit stating that no such untoward incident will occur, while conducting the adal padal programme before the second respondent and on receipt of the representation, the second respondent is directed to consider the same and pass suitable orders on or before 02.10.2024 based on the above said circular.

8. With the above directions, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

01.10.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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Note : Issue order copy today (01.10.2024)



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Thirupparankundram,
Madurai City.
- 2.The Inspector of Police,
W1 Thirunagar Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

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Order made in
W.P.(MD)No.23330 of 2024
and
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Dated : 01.10.2024