

**V.Murugesan Vs. State Represented by**

**V.Murugesan Vs. State Represented by**

**SooperKanoon Citation :** [sooperkanoon.com/1170105](http://sooperkanoon.com/1170105)

**Court :** Chennai

**Decided On :** Oct-14-2014

**Judge :** M.Venugopal

**Appellant :** V.Murugesan

**Respondent :** State Represented by

**Judgement :**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:

14. 10.2014 CORAM THE HONOURABLE MR.JUSTICE M.VENUGOPAL Writ Petition No.16785 of 2014 V.Murugesan ... Petitioner Vs. State Represented by The Sub Inspector of Police, Rayappanpatti Police Station, Rayappanpatti, Theni District. ... Respondent Prayer Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondent to grant permission to the Petitioner to conduct 'Adal Padal Programme' on 15.10.2014, as part of the 'Karuppasamy Temple' Festival in Anaipatti, K.K.Patti Post, Uthamapalayam, Theni District. !For Petitioner :Mr.G.Anbu Saravanan For Respondent :Mr.V.Muruganandam Addl. Govt. Pleader. :

**ORDER**

According to the Petitioner, in Anaipatti, K.K.Patti Post, Uthamapalayam, Theni District, most of the people are working in Agricultural fields. There is a Temple in

their Village popularly known as, 'Karuppasamy Temple'. All the Villagers, after consultation, had determined the date for the conduct of 'Adal Padal' programme on 15.10.2014, from 7.00 a.m., to 10.00 p.m.. The Petitioner / Village People approached the Respondent / Police, seeking permission to conduct 'Adal Padal' programme on 10.10.2014 and to provide Police protection for the said event. However, the Respondent had rejected the Representation of the Petitioner on the ground that, if the programme is permitted to be held then it will lead to Law and Order problem. As such, the Petitioner has preferred the present Writ Petition.

2. Conversely, it is the submission of the learned Counsel for the Respondent that if the permission is granted to the Petitioner to conduct the 'Adal Padal' cultural programme, scheduled to take place on 15.10.2014, at the Petition Temple, then there is a possibility for cropping up of Law and Order problem and also that the Village people, after consuming liquor, would create small problems and as such, the Respondent / Police prays for refusal of permission and objects to the grant of permission in question.

3. It is to be pointed out that the commission of an act under Indian Penal Code is punishable as an offence. Likewise, an act done contrary to Indecent Representation of Women (Prohibition) Act, 1986 then the same becomes an offence. It cannot be said that one cannot either presume or assume of any illegal act / any illegality even before the grant of licence for the conduct of the 'Aadal Padal' programme at the Petition mentioned Temple, to be held on 15.10.2014.

4. It is to be borne in mind that Section 2(c) of the Indecent Representation of Women (Prohibition) Act, 1986, defines 'indecent representation of women'. It means the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to, or denigrating, women, or is likely to deprive, corrupt or injure the public morality or morals.

5. In fact, Section 3 of the Act 1986, speaks of Prohibition of advertisements containing indecent representation of woman. Further, Section 4 of the Act, speaks prohibition of publication or sending by post of books, pamphlets etc., containing indecent representation of women.

6. It is to be pointed out that there must be subsisting right enforceable in a Court of Law and there must be a correspondent duty for issuance of Writ of Mandamus. The aggrieved person must have a legal right and he must allege there is an infringement of public duty. Also that, this Court aptly cites the decision of the Hon'ble Supreme Court in the Director of Settlements v M.R.Apparao reported in (2012 (4) SCC638 whereby and where under it is observed that the power of High Courts, under Article 226 of the Constitution of India, though a discretionary one and although without the serious limits must be exercised along with recognised lines and subject to self-imposed restrictions.

7. At this stage, this Court very relevant to point out that on behalf of the Petitioner no enactment or no statute is cited before this Court, which confers a right upon the Petitioner to conduct / hold 'Adal Padal' programme.

8. It is to be remembered that India is a signatory to the convention on the elimination of all forms of discrimination against women, adopted by the United Nations General Assembly, in the year 1979. Article 6 of the Convention enjoins the said party to take appropriate steps to suppress all forms of Trafficking and exploitation of Women.

9. In view of the fact that the Petitioner is desirous of conducting the 'Adal Padal' cultural programme on 15.10.2014, between 7.00 p.m., and 10.00 p.m., at 'Karuppasamy Temple' in Anaipatti, K.K.Patti Post, Uthamapalayam, Theni District, this Court grants permission to the Petitioner and the Committee Members to conduct the said programme at the Petition mentioned Temple on 15.10.2014 between 7.00 p.m., and 10.00 p.m., subject to the following conditions / restrictions :- a. The 'Adal Padal' cultural Programme ought to be conducted by the Petitioner on 15.10.2014 in an organized and peaceful atmosphere, without causing any Law and Order problem. b. The Petitioner and other Members of the Celebration Committee is directed to file an affidavit in a collective form before the Respondent / Police that there will not any obscene or vulgar dance during the performance by any of the prospective participants or others, as the case may be. c. The Petitioner / Celebration Committee is permitted only to use Box type Loud Speaker (not Cone Type Loud Speaker) with 80 decibels sound. d. The Petitioner / Festival /

Celebrating Committee is to provide proper parking facility for two wheelers / vehicles for the purpose of helping the viewers of the programme, who come to the Temple. e. To witness the same, the Petitioner / Celebrating Committee Members is/are directed to provide adequate Light and Sound facilities for the programme in question. f. In fact, if the scheduled programme is to be conducted at an inside auditorium, strictly the Petitioner / Organizers are to make provision for two exists. g. Also the Petitioner / Organizer is/are to provide separate sitting place for ladies / children to view the programme in question. h. Arrangements must be made by the Organizers for drinking water facility and toilet facility for the benefit of the Public. i. Further more, the Petitioner / Organizing Committee Members is/are to remit necessary sum before the Government Treasury under the proper Head of Account for providing Bandobust by the Police and the receipts should be produced before the Respondent / Police, prior to the commencement of the programme. j. Before commence of the programme, the Petitioner / Celebrating Committee Members is to projects an application, seeking necessary licence before the Respondent and after obtaining necessary licence, the programme is to be held on 15.10.2014 from 7.00 p.m., to 10.00 p.m. k. If any problem / problems cropped up, then the Petitioner / Organizers is / are to take up full responsibility. l. If the Petitioner / Celebrating Committee Members violates / violate any of the conditions emntioned aforesaid, the Respondent / Police are duly authorize to take necessary action in the manner known to Law and in accordance with law, (including one under the Indecent Representation of Women (Prohibition) Act, 1986) (60 of 1986) and to put an end to the said programme. m. Lastly, if the programme / programmes exceeds / exceed the prescribed time limit between viz., 7.00 p.m., to 10.00 p.m., then the Respondent / Police without any hesitation whatsoever is directed to step in immediately and stop the Cultural/ Dance/ Drama programme. 10. With the aforesaid directions, this Writ Petition is disposed of. No costs. 14.10.2014 Index : Yes / No Internet : Yes / No MPK To State Represented by The Sub Inspector of Police, Rayappanpatti Police Station, Rayappanpatti, Theni District. M.VENUGOPAL, J.

MPK Writ Petition No.16785 of 2014 14.10.2014

**SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com**