



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P (MD) No.15171 of 2015

WEB COPY

Mr.S.Senthil Kumar

... Petitioner

Vs.

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

2. The Sub Inspector of Police,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent herein on 18.08.2015 and quash the same and consequently, direct the respondents herein to give the permission for conducting "Innisai Kutchery" (Musical Orchestra) programme on 30.08.2015 at 7.00 p.m. to 10.00 p.m. in connection with "Keelatheru Arulmigu Utchimakaliamman Temple Kodai Vizha Festival".

For Petitioner : Mr.J.Mathesh

For Respondents : Mr.K.Guru
Additional Government Pleader**O R D E R**

Mr.K.Guru, learned Additional Government Pleader, takes notice for the respondents. By consent, the Writ Petition itself is taken up for final disposal.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent herein on 18.08.2015 and quash the same and consequently, direct the respondents herein to give the permission for conducting "Innisai Kutchery" (Musical Orchestra) programme on 30.08.2015 at 7.00 p.m. to 10.00 p.m. in connection with "Keelatheru Arulmigu Utchimakaliamman Temple Kodai Vizha Festival".

4. The learned counsel appearing for the petitioner would submit that cultural dance programme is being conducted by the villagers during the above said festival period. In this connection, a <https://hcservicescourts.gov.in/hcservices> given to the respondents, but, however, the same was not considered by the respondent so far and hence, the petitioner is before this Court with this Writ Petition. The learned counsel appearing



for the petitioner would further submit that as the aforesaid festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

5. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner may be granted with stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such programme.

6. Having considered the facts and circumstances of the case, the reason assigned for rejecting the permission is unsustainable and hence, the impugned order dated 18.08.2015 is set aside.

7. Considering the rival submissions made on either side, this Court is of the view that necessary permission shall be granted to the petitioner and his Villagers to conduct "Innisai Kuchery" (Musical Orchestra) programme in connection with the above said festival.

8. Accordingly, the Writ Petition is allowed with the following directions:

(a) The cultural dance programme in connection with the festival of Keelatheru Arulmigu Utchimakaliamman Temple Kodai Vizha Festival be held on 30.08.2015 between 07.00 p.m., and 10.30 p.m.;

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants;

© Double meaning songs should not be played so as to spoil the minds of students and the youth;

(d) No dance or songs, touching upon any political party or religion, community or case be played;

(e) No flex boards in support of any political party or religious leader be erected;

(f) The function should not affect either religious or communal harmony and shall be conducted without any discrimination based on case;

(g) If there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

(h) Similarly, the Police is empowered to stop the dance programme, if it exceeds beyond the permitted time.

(i) the participants of the programme shall not intake any kind of toxic substance or liquor during the programme;

(j) If there is any untoward incident took place, the village people and the organizers of the programme be made responsible for the same; and

(k) The second respondent is directed to issue necessary permission, incorporating the above conditions.

No order as to costs.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/



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

2. The Sub Inspector of Police,
Tirunelveli District,
Tirunelveli.

+1cc to Mr.J.Mathesh, Advocate SR.No.48373

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