



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.9.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

W.P. (MD) No.16763 of 2015

WEB COPY

M.Velmurugan

..Petitioner

Vs.

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

2.The Inspector of Police,
Kadayam Police Station,
Kadayam,
Tirunelveli District.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to give permission to conduct Music Orchestra programme on 17.9.2015 during the festival of Vadaku Udayar Pillayar Temple, Keezha Kadayam, Tirunelveli District between 9 pm to 1 am.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.N.Manoharan

Special Govt. Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondents to give permission to conduct Music Orchestra programme on 17.9.2015 during the festival of Vadaku Udayar Pillayar Temple, Keezha Kadayam, Tirunelveli District between 9 pm to 1 am.

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

3.The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the said temple festival on 17.9.2015 with Music Orchestra programme. In this connection, a representation was given to the respondents police, with a request to grant permission to conduct the festival on the above said date, however, the respondents Police have not considered the request of the petitioner and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that as the said festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

4.The learned Special 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 performance of such programme.



5. Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, this Court is of the view that necessary permission shall be granted to the petitioner and his Villagers to conduct the above said festival.

6. Accordingly, the Writ Petition is disposed of with the following directions:

(a) The Music Orchestra programme in connection with the said temple festival be held on 17.9.2015 from 7.00 pm to 10.30 pm.

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

(c) 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 caste 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 caste.

(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; and

(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;

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

No costs.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police, Kadayam Police Station, Kadayam,
Tirunelveli District.

3. Additional Public Prosecutor, Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Xavier Rajini, Advocate in SR.54381

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15.9.2015

vks

PBK/GSV/SAR-II 15.09.2015 ::2p-5c: