



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.9.2015

CORAM:

THE HONOURABLE Ms.JUSTICE R.MALA

W.P.(MD)No.17277 of 2015

and

M.P(MD).No.1 of 2015

S.Sudhan

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order, dated 1.9.2015 passed by the 2nd respondent and quash the same and consequently direct the respondents to grant permission to conduct Musical Programme (Ennisai Katcheri) on 29.9.2015 from 10 pm to 12 pm at Arulmigu Bathrakaliamman Temple in Kurumbalaperi, Kulasekarapatti Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.R.J.Karthick

for Mr.M.Saravanan

For Respondents : Mr.N.Manoharan,

Special Government Pleader

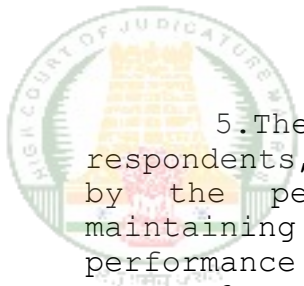
O R D E R

Mr.N.Manoharan, learned Special 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 Special Government Pleader appearing for the Respondents.

3. The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order, dated 1.9.2015 passed by the 2nd respondent and quash the same and consequently direct the respondents to grant permission to conduct Musical Programme (Ennisai Katcheri) on 29.9.2015 from 10 pm to 12 pm at Arulmigu Bathrakaliamman Temple in Kurumbalaperi, Kulasekarapatti Village, Tenkasi Taluk, Tirunelveli District.

4. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the festival with cultural programme (music concert) on 29.09.2015. In this connection, a representation was given to the respondents police, with a request to grant permission to conduct the programme on the above said date, however, the respondents Police have rejected the request of the petitioner, by impugned order dated 1.9.2015 and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner would further submit 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.



5. 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 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 1.9.2015 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 "cultural programme" in connection with the above said festival.

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

(a) The cultural programme (music concert) in connection with Arulmigu Bathrakaliyamman Temple festival be held on 29.09.2015 between 07.30 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;

(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 cultural 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 is directed to issue necessary permission, incorporating the above conditions.

No costs. Connected M.P(MD).No.1 of 2015 is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

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

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

3. Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
+1CC to Mr. R.J. Karthik, Advocate, SR.No. 56571

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and

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