



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2015

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Writ Petition (MD) No.5263 of 2015

S.Kanagaraj

... Petitioner

Vs.

The Inspector of Police,
Kuttralam Police Station,
Tirunelveli District.

... Respondent

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to permit the petitioner to conduct a musical concert (Innisai Katcheri) on 27.04.2015 and 28.04.2015 respectively at 09.30p.m. in the festival of "Arulmigu Sri Vadakasi Amman Temple" Vallam Village, Senkottai Taluk, Tirunelveli District and give police protection.

For Petitioner : Mr.V.Angusamy

For Respondent : Mr.R.Karthikeyan

Additional Government Pleader

ORDER

In this Writ Petition, the petitioner seeks permission and police protection to conduct a musical concert "Innisai Katcheri" on 27.04.2015 and 28.04.2015 respectively at 09.30 p.m. in the festival of "Arulmigu Sri Vadakasi Amman Temple" Vallam Village, Senkottai Taluk, Tirunelveli District.

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

3. The learned counsel for the petitioner would submit that the petitioner is the Trustee of the Hindu Nadar Samuthaya "Sri Vadakasi Amman Kovil", Vallam Village, Tirunelveli District and every year temple festival is being conducted by the villagers and this year also, they decided to conduct the temple festival, with musical concert "Innisai Katcheri" on 27.04.2015 and 28.04.2015 respectively at 09.30 p.m. In this connection, a representation was given to the second respondent police, with a request to grant permission and police protection to conduct "Innisai Katcheri".

4. The learned Counsel for the petitioner submitted that the second respondent has passed an impugned order rejecting the petitioner's request and hence, the petitioner is before this Court with this Writ Petition. The learned Counsel for the petitioner further submitted that as the temple festival is celebrated in a peaceful manner, there will be no untoward incident by the people of the village.



5. Mr.R.Karthikeyan, learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the only objection raised is that, if permission is granted, it would likely lead to law and order problem. From the order passed by the second respondent there was no indication that law and order problem would be arisen. The said submission of the respondent cannot be a ground to reject the permission. The law and order is likely to be arise only, if the petitioner is indulging to sing political and communal songs. The learned Counsel for the petitioner submitted that the petitioner would not indulge in such things. It is for the respondent to impose any condition to maintain law and order problem. It is not as if there was any prior untoward occurrence in the conduct of the programme.

6. Accordingly, the impugned order is set aside and the Writ Petition is allowed and the petitioner is permitted to conduct musical concert "Innisai Katcheri" in connection with the temple festival of "Arulmigu Sri Vadakasi Amman Temple" Vallam Village, Senkottai Taluk, Tirunelveli District, however, with the following conditions:-

(a) The cultural programme in connection with the temple festival of "Arulmigu Sri Vadakasi Amman Temple" Vallam Village, Senkottai Taluk, Tirunelveli District, be held on 27.04.2015 and 28.04.2015 respectively between **06.00 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.

(c) Double meaning songs should not be played so as to spoil the minds of students and youths.

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

(e) No flex boards in support of any political party or communal 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 entitled to stop the dance programme, if it exceeds beyond the permitted time.

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

No costs.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To
The Inspector of Police, Kuttralam Police Station, Tirunelveli District.
+lcc to M/S.V.Angusamy, Advocate in SR.No. 19565
+lcc to Special Government Pleader in SR.No 19945.
TS/21.04.2015/2P-4C

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition(MD)No.5263 of 2015

17.04.2015