



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P(MD)No.6764 of 2015

Madasamy

... Petitioner

Vs.

The Sub-Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the conditions 9 and 10 of the impugned order passed by the respondent in his proceedings dated 18.04.2015 and quash the same as illegal, consequently, direct the respondent to permit the petitioner to perform light music on 27.04.2015 between 6.00 P.M to 12.00 P.M and 10.00 A.M to 12.00 A.M respectively during the temple fetival of Arulmighu Maadan Maadathi Amman Temple, Achanpudur, Village, Shengottai Taluk, Tirunelveli District and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.R.Karthikeyan

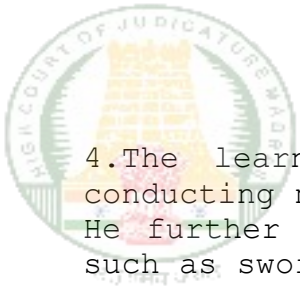
Addl. Government Pleader

O R D E R

This writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the conditions 9 and 10 of the impugned order passed by the respondent in his proceedings dated 18.04.2015 and quash the same as illegal, consequently, direct the respondent to permit the petitioner to perform light music on 27.04.2015 between 6.00 P.M to 12.00 P.M and 10.00 A.M to 12.00 A.M respectively during the temple fetival of Arulmighu Maadan Maadathi Amman Temple, Achanpudur, Village, Shengottai Taluk, Tirunelveli District.

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

3.By order dated 18.04.2015, the respondent police gave permission to the petitioner imposing certain conditions. However, by the impugned condition No.9, it has been stated that Drum-Set and Chandai melam should not be made and Condition No.10 permission for cinema music, sword fight and silampattam were refused. Challenging these two conditions, the present writ petition is filed.



4.The learned counsel for the petitioner submitted that as long as conducting music concept is not illegal and the same cannot be prevented. He further submitted that the petitioner is not doing other activities, such as sword fight and silampattam etc.

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5.The learned Additional Government Pleader would submit that as the activities so would create disturbance, permission was not granted.

6.This Court finds that the submission made by the learned counsel for the petitioner, in the absence of any embargo in law, the petitioner cannot be prevented from performing music concept, music concept might involve singing and usage of instruments, this is what the petitioner seeks and the same cannot be prevented in the eye of law.

7.Accordingly, the condition Nos. 9 and 10 are set aside and the writ petition is ordered insofar as the performance of music concept is concerned, by performing singing supported by instruments. It is made clear that the petitioner will have to comply with the other conditions. No costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

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To

The Sub-Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.

+1cc to MR. D.VENKATESH, ADVOCATE IN SR NO. 22060

W.P(MD)No.6764 of 2015

24.04.2015

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