



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2015

CORAM:

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

W.P. (MD)No.6781 of 2015

R.Santhanapandian

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the rejection order of the 2nd respondent dated 22.04.2015 and quash the same and consequently direct the 2nd respondent to grant permission and protection for cultural programme perform by Madurai Abinayam Group in connection with Pookuli Thiruviha scheduled to be held on 03.05.2015 at Arulmigu Sri Santhanamariamman Thirukovil at Chockampatti, Thenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.R.Karthikeyan, AGP

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 rejection order of the 2nd respondent dated 22.04.2015 and quash the same and consequently direct the 2nd respondent to grant permission and protection for cultural programme perform by Madurai Abinayam Group in connection with Pookuli Thiruviha scheduled to be held on 03.05.2015 at Arulmigu Sri Santhanamariamman Thirukovil at Chockampatti, Thenkasi Taluk, Tirunelveli District.

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

3.Learned counsel for the petitioner would submit that the villagers jointly decided to conduct the said festival, with cultural programme on 03.05.2015, In this connection, a representation was given to the 2nd respondent police, with a request to grant permission to conduct the programme on the above said date, however, the 2nd respondent Police has rejected the request by an order dated 22.04.2015 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. Mr.R.Karthikeyan, 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.

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5. Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Additional 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 cultural programme in connection with the above said festival.

6. Accordingly, the Writ Petition is disposed of by setting aside the order of the 2nd respondent dated 22.04.2015 and the 2nd respondent is directed to give permission to conduct the said festival with the following directions:

(a) The cultural dance programme in connection with above said festival be held on 03.05.2015 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

1.The Superintendent of Police, Tirunelveli District.

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

+1cc to M/S.R.Karthic Rajan, Advocate in SR.No. 22503

+1cc to Special Government Pleader in SR.No 22859

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NBJ

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15/04.2015/21-SC

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