



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.06.2015

CORAM:

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

WEB COPY

Writ Petition(MD)No.8747 of 2015

J.Anthony Viyagappan

... Petitioner

Vs

The Sub Inspector of Police,
Ayakudi Police Station,
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, to call for the records pertaining to the impugned order passed by the respondent in his proceedings in Reference No.01, dated 14.05.2015 and quash the same as illegal, consequently, direct the respondent to permit the petitioner to use of Chendai Melam between on 13.06.2015 between 3.00P.M. to 9.00P.M, and to perform music concert on 13.06.2015 between 9.00P.M to 1.00P.M during the Church festival of St.Antoniya Church, Agarakattu Village, Tirunelveli District.

For Petitioner : Mr.D.Venkatesh

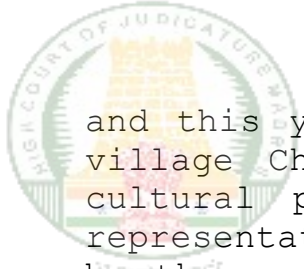
For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent in his proceedings in Reference No.01, dated 14.05.2015 and quash the same as illegal, consequently, direct the respondent to permit the petitioner to use of Chendai Melam between on 13.06.2015 between 3.00P.M. to 9.00P.M, and to perform music concert on 13.06.2015 between 9.00P.M to 1.00P.M during the Church festival of St.Antoniya Church, Agarakattu Village, Tirunelveli District.

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

<https://hcservices.ecourts.gov.in/hcservices>
3. Heard the learned counsel for the petitioner would submit that the petitioner is the resident of Agarakattu Village and every year St.Antoniya Church festival is being conducted by the villagers



and this year also, the villagers jointly decided to conduct the village Church festival, with "Chendai Melam and Music Concert cultural programme" on 13.06.2015. In this regard, he made a representation to the respondent on 12.05.2015, which was rejected by the respondent in the impugned order dated 14.05.2015, on the ground that there was an earlier case registered and there would be law and order problem. The learned counsel for the petitioner further submitted that as the Church festival is celebrated in a peaceful manner by the Villagers, there will be no untoward incident by the people of the village.

4. The only objection raised is that if permission is granted, it would likely lead to law and order problem. 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.

5. On perusal of the impugned order would show that the permission was granted for taking the Car, playing Naadaswaram and Rajamelam, subject to some conditions. The case which was registered in Crime No.121/12 ended into acquittal.

6. Accordingly, Considering the same, this Court is inclined to quash the impugned order by granting permission for conducting the "Chendai Melam and Music Concert Cultural Programme" on impose of conditions. Accordingly, this Court is directing the respondent to permit the petitioner to conduct "Chendai Melam and Music Concert Cultural Programme" within the Church area on impose of the certain conditions.

7. In the result, the impugned order is set aside and the Writ Petition is allowed and the petitioner is permitted to conduct 'Chendai Melam and Music Concert cultural Programme' in connection with the church festival of St. Antoniyar Church, Agarakattu Village, Tirunelveli District, however, with the following conditions:-

(a) The "Chendai Melam and Music Convert" cultural Programme in connection with church festival at St. Antoniyar Church, Agarakattu Village, Tirunelveli District, be held on 13.06.2015 between (*) **10.30 p.m. And 12.00 midnight.**

(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.

<https://hcservices.ecourts.gov.in/hcservices/>
(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 respondent is directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-
03.06.2015

**(*) Amended as per order of this
Court dated 10.06.2015 and made
in WP(MD) No.8747/2015.**

Sd/-
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

pmu

To

To be substituted to the order already despatched on 05.06.2015.

The Sub Inspector of Police,
Ayakudi Police Station,
Tirunelveli District.

+1cc to MR.D.VENKATESH ADVOCATE IN SR NO.29568
+1CC TO SPECIAL GOVERNMENT PLEADER IN SR NO.27546

W.P(MD) No.8747 of 2015
03.06.2015

RG.08.06.2015 3P/4C
rg.11.06.2015 3p/4c