



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.07.2016
CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.12850 of 2016 and WMP(MD)No.9707 of 2016

WEB COPY

G.S.R.Sivanupandian

... Petitioner

-vs-

The Inspector of Police,
Vikramasingapuram Police Station
Tirunelveli District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 19.07.2016 passed by the respondent and quash the same as illegal and consequently direct the respondent to allow the petitioner to conduct Light Musical program in the night hours on 25.07.2016 at Arulmigu Mettuthangamman Temple Festival situate at North Street Vickramasingapuram Tirunelveli District.

For Petitioner : M/s.S.Ramasamy

For Respondent : Mr.D.Muruganandham
Addl. Govt. Pleader

O R D E R

The writ petition has been filed by the petitioner challenging the order dated 19.07.2016, wherein the respondent has rejected the representation of the petitioner seeking permission to conduct the Light Musical programme.

2.Mr.D.Muruganandham, learned Additional Government Pleader, takes notice for the respondent. By consent, the writ petition itself is taken up for final disposal.

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

4.The learned counsel appearing for the petitioner would submit that the programme is being conducted by the villagers regularly in order to promote harmony during the above said festival period; that a representation was given to the respondent, but, however, the same was not rejected by the respondent and hence, the petitioner is before this Court with this writ petition. The learned counsel appearing for the petitioner would further submit that as the aforesaid festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this celebration.

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5.The learned Additional Government Pleader appearing for the respondent, on instructions, would submit that the permission sought for



by the petitioner has been rejected on the ground that there is likelihood of law and order problem.

6. Perusal of the impugned order of rejection would go to show that the respondent has refused the permission only anticipating some law and order problem. Therefore, it is not sufficient to say that there is likelihood of problem arisen and no specific incident or specific circumstances are pointed out for the apprehension of the respondent. Accordingly, the Writ Petition is allowed and the order of rejection dated 19.07.2016 is set aside. The respondent is directed to accord permission to the petitioner to conduct Arulmigu Mettuthangamman Temple Festival situate at North Street Vickramasingapuram Tirunelveli District scheduled on 25.07.2016 between 07.00 p.m., and 10.30 p.m., by incorporating the following conditions:

(a) Obscene dance / songs / vulgar dialogues should be avoided during the programme;

(b) Songs conveying obscene double meaning should not be played in order to avoid awkwardness;

(c) No dance or songs, touching upon the conduct of any political party or community or caste be played;

(d) No flex boards in support of any political party or religious leader be erected;

(e) The programme shall be conducted without showing any discrimination based on caste / community etc., and it shall be ensured that it is towards promoting communal harmony;

(f) the participants of the programme shall not intake any kind of intoxicating substance or liquor during the programme;

(g) In respect of untoward incident occurring, the organizers of the programme be responsible for the same;

(h) If there is any violation of any of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance.

No costs. Consequently connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To
The Inspector of Police,
Vickramasingapuram Police Station
Tirunelveli District.

+1cc to M/S.S.Ramasamy, Advocate in SR.No.38580
+1cc to Special Government Pleader in SR.No.38426

ORDER MADE IN
W.P(MD)No.12850 of 2016
21.07.2016

RR

PA/SK-SKN/SAP III/22.07.2016/2P/4C (IT)
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