



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.12932 of 2016

WEB COPY

M.Shanmuga Sundaram

... Petitioner

-vs-

1.The Superintendent of Police,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Valliyoor Sub Division,
Tirunelveli District.

3.The Inspector of Police,
Tisaiyanvilai Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the entire records pertaining to the order passed by the 2nd respondent vide his proceedings in Na.Ka.No.92/Kaa.Thu.Ka/Valliyoor dated 18.07.2016 and quash the same and consequently direct the respondents grant permission and police protection for the celebration of temple festival of Arulmigu Sri Uchinimahali Amman Kovil Tisaiyanvilai Tirunelveli District which is scheduled to be taken place from 24.07.2016 till 27.07.2016.

For Petitioner : Mr.R.Anand
For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

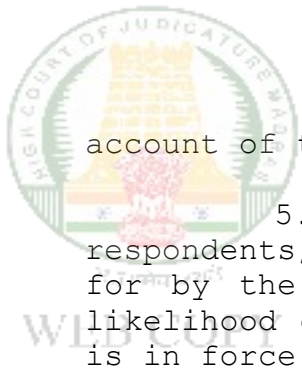
ORDER

The writ petition has been filed to quash the impugned order passed by the 2nd respondent dated 18.07.2016 with the consequential direction to the respondents to grant permission and police protection for the celebration of temple festival of Arulmigu Sri Uchinimahali Amman Kovil, Tisaiyanvilai, Tirunelveli District, which is scheduled to be taken place from 24.07.2016 till 27.07.2016.

2. Mr.D.Muruganandam, learned Additional Government Pleader, takes notice for the respondents. 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 respondents.

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 second respondent, but, however, the same was rejected 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.

5.The learned Additional Government Pleader appearing for the respondents, 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 and Section 30(2) of the Police Act is in force.

6.A perusal of the impugned order of rejection would go to show that the second respondent has refused to grant permission only anticipating some law and order problem and no specific incident or circumstances are pointed out for the above said apprehension.

7.Under such circumstances, the Writ Petition is allowed and the order of rejection dated 18.07.2016 is set aside. The respondent police is directed to accord permission to the petitioner to conduct temple festival of Arulmigu Sri Uchinimahali Amman Kovil Tisaiyanvilai, Tirunelveli District, scheduled to be held from 24.07.2016 to 27.07.2016 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(T&P)

/TRUE COPY/

Sub Assistant Registrar

To:

1.The Superintendent of Police, Tirunelveli District.

2.The Deputy Superintendent of Police,

Valliyoor Sub Division, Tirunelveli District.

3.The Inspector of Police, Tisaiyanvilai Police Station,
Tirunelveli District.

+1cc to M/S.Mr.R.Anand, Advocate in SR.No.38918

+1cc to Special Government Pleader in SR.No.38780

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

W.P (MD) No.12932 of 2016
22.07.2016

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