



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.13022 of 2016

R.Annamalai

...Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to conduct the Orchestra Musical program scheduled to be held on 25.07.2016 on the eve of Kodai Vizha for the temple viz., Arulmigu Sri Thennattu Nangaiaimman, Arulmigu Ujjaini Makaliamman Thirukovil at Samoogarengapuram, Radhapuram Taluk, Tirunelveli District.

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

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to give permission to conduct the Orchestra Musical program scheduled to be held on 25.07.2016 on the eve of Kodai Vizha for the temple viz., Arulmigu Sri Thennattu Nangaiaimman, Arulmigu Ujjaini Makaliamman Thirukovil at Samoogarengapuram, Radhapuram Taluk, Tirunelveli District, based on the petitioner's representation dated 16.07.2016.

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 not considered by the second respondent so far 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 may be granted with appropriate and stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such programme.

6. Accordingly, in view of the submission made by the learned Additional Government Pleader, the Writ Petition is disposed of with a direction to the second respondent police to accord permission to the petitioner to conduct Orchestra Musical program, on the eve of Kodai Vizha for the temple viz., Arulmigu Sri Thennattu Nangaianman, Arulmigu Ujjaini Makaliamman Thirukovil at Samoogarengapuram, Radhapuram Taluk, Tirunelveli District, scheduled to be held 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; and

(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.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police, Tirunelveli District, Tirunelveli.

2. The Inspector of Police, Radhapuram Police Station,
Tirunelveli District.

+1cc to M/s.R.Aravindraj, Advocate in SR.39051

+1cc to the Special Government Pleader, in SR.39141

W.P(MD)No.13022 of 2016

25.07.2016