



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.13269 of 2016

P.Palanisamy

... Petitioner

-vs-

State rep.by
Sub Inspector of Police,
Kariayur Police Station,
Pudukottai District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of issue a Writ of Certiorified Mandamus calling for the records from the respondent in his rejection order dated 22.07.2016 and quash the same and consequently direct the respondent to grant permission and police protection for conducting Orchestra Program on 29.07.2016 to the Village Temple, Arulmigu Sri Muthumariamman Kovil Thiruvizha at Karaiyur Post, Ponnamaravathy Taluk, Pudukottai District.

For Petitioner : Mr.P.Muthusamy

For Respondent : Mr.D.Muruganandam,
Addl. Govt. Pleader.

O R D E R

The writ petition has been filed to quash the impugned order passed by the respondent dated 22.07.2016 with the consequential direction to the respondent to grant permission and police protection for conducting Orchestra Program on 29.07.2016 to the Village Temple, Arulmigu Sri Muthumariamman Kovil Thiruvizha at Karaiyur Post, Ponnamaravathy Taluk, Pudukottai District.

2.Mr.D.Muruganandam, 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 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 respondent would submit that the permission sought for by the petitioner has been rejected only due to the objection raised by other side.

6.A perusal of the impugned order of rejection would go to show that the objection raised by other side did not contain any genuine/valid reason and in fact there is no reason at all. When no reason is adduced, there is no justification to refuse permission. Therefore, this Writ Petition is liable to be allowed.

7.At this juncture, the learned Additional Government Pleader appearing for the respondent would submit that full cooperation on the side of the petitioner is expected, since the permission is now granted, despite the objection raised by other side.

8.There is an undertaking by the petitioner to extend full cooperation to the respondent, while conducting programme.

9.Under such circumstances, the Writ Petition is allowed and the order of rejection dated 22.07.2016 is set aside. The respondent police is directed to accord permission to the petitioner to conduct Orchestra Program in Arulmigu Sri Muthumariamman Kovil Thiruvizha at Karaiyur Post, Ponnamaravathy Taluk, Pudukottai District, scheduled to be held on 29.07.2016 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;

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

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar (CS)

To

The Sub Inspector of Police,
Kariayur Police Station,
Pudukottai District.

+1cc to Mr.P.Muthusamy, Advocate, Sr.No.39634

+1cc to the Special Government Pleader, Sr.No.40066

mj

JM/SK-SKN/SAR-I/27.07.2016/3P-4C

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