



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.13378 of 2016

WEB COPY

S.Anandaraj

...Petitioner

-vs-

The Inspector of Police
Valliyoor Police Station,
Tirunelveli District

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari Mandamus to call for the records relating to the impugned order passed by the Respondent in No. NIL dated 23.07.2016 and quash the same consequently directing the Respondents to grant permission and necessary protection to conduct Orchestra on the eve of Our Lady of Snow Church festival at South Kallikulam Valliyoor Taluk Tirunelveli District which is to be held on 02.08.2016.

For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.D.Muruganandham
Addl. Govt. Pleader

O R D E R

The writ petition has been filed challenging the order passed by the respondent dated 23.07.2016.

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 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.

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 by the respondent 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 23.07.2016 is set aside. The respondent is directed to accord permission to the petitioner to conduct Orchestra in the eve of Our Lady of Snow Church festival at South Kallikulam Valliyoor Taluk Tirunelveli District scheduled on 02.08.2016 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.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS)

To

The Inspector of Police, Valliyoor Police Station,
Tirunelveli District.

+1cc to M/s.G.Thalaimutharasu, Advocate in SR.40386

+1cc to the Special Government Pleader, in SR.40192

W.P(MD)No.13378 of 2016

28.07.2016

rr.

PBK/SK-SKN/SAR-III 29/07/2016 ::2P-4C:: (IT)