



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.13676 of 2016

A.Rajagopal

... Petitioner

-vs-

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

2. The Deputy Superintendent of Police,
Valliyoor Region, Valliyoor
Tirunelveli District

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

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

... Respondents

(4th respondent is suo motu impleaded
as per the order of this Court dated 01.08.2016)

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 impugned order dated 28.07.2016 made in Na.Ka.No.110/Kaa.Thu.Ka/Valliyoor/2016 dated 28.07.2016 passed by the 2nd respondent and quash the same and consequently direct the respondents to grant permission for conducting orchestral programme (Innidai Katcheri) on 02.08.2016 in the Kodai festival of Sri Arulmigu Mutharamman temple Samugarengapuram Nanguneri Radhapuram Taluk Tirunelveli District forthwith and also provide police protection during the programme to the general public.

For Petitioner : Mr.S.Palani Velayutham

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

The writ petition has been filed challenging the order passed



by the 2nd respondent dated 28.07.2016 rejecting the request of the petitioner to conduct the orchestral programme (Innidai Katcheri) on 02.08.2016 in the Kodai festival of Sri Arulmigu Mutharamman temple Samugarengapuram Nanguneri Radhapuram Taluk Tirunelveli District

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2.Mr.D.Muruganandham, 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 respondent, but, however, the same was rejected by the 2nd 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.

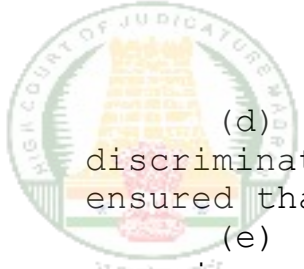
5.The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner has been rejected on the ground that there is likelihood of law and order problem.

6. Perusal of the impugned order of rejection would go to show that the 2nd 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 respondents. It is pertinent to point out that for the past 10 years there was no problem. Accordingly, the Writ Petition is allowed and the order of rejection dated 28.07.2016 is set aside. The 4th respondent, who has been suo motu impleaded, is directed to accord permission to the petitioner to conduct the orchestral programme (Innidai Katcheri) in the Kodai festival of Sri Arulmigu Mutharamman temple Samugarengapuram Nanguneri Radhapuram Taluk Tirunelveli District, scheduled on 02.08.2016 between 07.00 p.m., and 10.30 p.m., by incorporating the following conditions:

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

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

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



(d) 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;

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

(f) 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 (Writ)

/True copy/

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Deputy Superintendent of Police,
Valliyoor Region, Valliyoor
Tirunelveli District
3. The Inspector of Police
Valliyoor Police Station, Valliyoor
Tirunelveli District
4. The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District
5. The Additional Government Pleader,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.S.Palanivelayutham, Advocate, Sr.No.41094

RR

JM/GSV-PM/SAR-I/01.08.2016/3P-7C

W.P (MD) No.13676 of 2016
01.08.2016