



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.13986 of 2016

S.Madasamy

... Petitioner

-vs-

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

2.The Sub Inspector of Police,
Oothumalai Police Station,
Tirunelveli District.

... Respondents

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 records of the 2nd Respondent in his proceeding No.C.No.4/H4PS/2016 dated 31.07.2016 and quash the same as it is non application of mind and consequently directing the Respondents to grant permission to perform Innisai Kacheri and Karagattam for Aadi Festival at Mattudaiyara Sastha Temple in Venkateswarapuram @ Reddiyarpatti V.K.Pudur Taluk, Tirunelveli District, dated 12.08.2016 and 13.08.2016.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : 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 2nd respondent dated 31.07.2016 with the consequential direction to the respondents to grant permission to perform Innisai Kacheri and Karagattam for Aadi Festival at Mattudaiyara Sastha Temple in Venkateswarapuram @ Reddiyarpatti, V.K.Pudur Takul, Tirunelveli District dated 12.08.2016 and 13.08.2016.

2.Mr.D.Muruganandam, learned Additional Government Pleader, takes notice for the respondents. By consent, the writ 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 during festival.

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 31.07.2016 is set aside. The second respondent is directed to accord permission to perform Innisai Kacheri and Karagattam for Aadi Festival at Mattudaiyara Sastha Temple in Venkateswarapuram @ Reddiarpatti, V.K.Pudur Taluk, Tirunelveli District, scheduled to be held on 12.08.2016 and 13.08.2016 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;

<https://hcservices.ecourts.gov.in/hcservices>
(g) In the event 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.

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/True Copy/

Sd/
Assistant Registrar(CS-II)

Sub Assistant Registrar.

To

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

2.The Sub Inspector of Police,
Oothumalai Police Station,
Tirunelveli District.

+1CC to M/S.Ananth C Rajesh, Advocate, SR.No. 41941

+1CC to the Special Government Pleader, SR.No. 42191

W.P (MD) No.13986 of 2016

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AM/AAL.MPA/SAR-III/08.08.2016/3P/5C