



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.13993 of 2016

S.Velladurai

... Petitioner

-vs-

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent dated 24.07.2016 and quash the same as it is non application of mind and consequently directing the Respondents to grant permission to perform Innisai Kacheri and Villisai for "Aadi Festival" at Shri Uthiramadasamy Kovil Temple in Thippanampatti, Tenkasi Taluk, Tirunelveli District dated 12.08.2016 and 13.08.2016 based on the petitioner's representation dated 25.07.2016.

For Petitioner : Mr.Ananth C.Rajesh

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

ORDER

The writ petition has been filed to quash the impugned order passed by the 2nd respondent dated 24.07.2016 with the consequential direction to the respondents to grant permission to perform Innisai Kacheri and Villisai for "Aadi Festival" at Shri Uthiramadasamy Kovil Temple in Thippanampatti, Tenkasi Taluk, Tirunelveli District dated 12.08.2016 and 13.08.2016 based on the petitioner's representation dated 25.07.2016.

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 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 24.07.2016 is set aside. The second respondent is directed to accord permission to perform **Innisai Kacheri and Villisai** for "Aadi Festival" at Shri Uthiramadasamy Kovil Temple in Thippanampatti, Tenkasi 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) Songs conveying obscene double meaning should not be played;

(b) No songs touching upon the conduct of any political party or community 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;

<https://hcservices.ecourt.gov.in/hcservices> (e) In the event 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.

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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,
Pavoorchathiram Police Station,
Tirunelveli District.

+1 cc to M/s. Ananth C. Rajesh, Advocate in SR.No. 41942

+1 cc to The Special Government Pleader in SR.No. 42185

mj

CSL/GSV-PM/SAR-III/08.08.2016: 3P/5C

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