



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.14327 of 2016

Y.Subbaiah @ Selvam

... Petitioner

-Vs-

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

2.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

3.The Sub Inspector of Police,
Maraneri Police Station,
Sivakasi District,
Virudhunagar District.

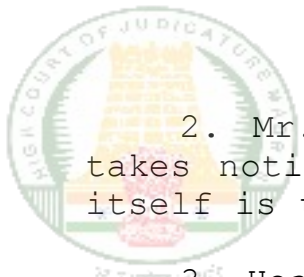
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 04.08.2016 passed by the 3rd respondent Police and quash the same and consequently direct the respondents herein to grant permission for conducting "Kalai Nigalchi" programme on 09.08.2016 to 14.08.2016 between 10.00 p.m. to 2.00 a.m. as a part of the "70th Aadi Thiruvai" for our village temple Arulmigu Sri Kaliyamman Kovil, in Pottalpatti Village, Sivakasi Taluk, Virudhunagar District.

For Petitioner : Mr.P.M.Vishnu Varthanan
For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

O R D E R

The writ petition has been filed praying to quash the impugned order passed by the third respondent dated 04.08.2016 with a consequential direction to the third respondent to grant permission an necessary police protection to the petitioner to conduct "Kalai Nigalchi" programme on 09.08.2016 to 14.08.2016 between 10.00 p.m. to 2.00 a.m. in connection with "70th Aadi Thiruvai" for our village temple Arulmigu Sri Kaliyamman Kovil, Pottalpatti Village, Sivakasi Taluk, Virudhunagar District.



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. He would further submit that the representation given to the third respondent was rejected vide the impugned order, dated 04.08.2016.

5. The learned Additional Government Pleader appearing for the respondents would submit that considering the law and order problem prevalent in the area, the permission for conducting the programme was rejected.

6. The permission sought for by the petitioner has been refused on the ground that there is likelihood of law and order problem. But, on account of that, in similar matters seeking permission to conduct the programme, this Court has been imposing several conditions prohibiting them from doing so and giving permission to the Police to stop the programme. Since it is issued with condition, the impugned order passed by the third respondent, dated 04.08.2016, is hereby quashed and the third respondent police is directed to accord permission to the petitioner to conduct "Kalai Nigalchi" programme in connection with "70th Aadi Thiruvai" festival of Arulmigu Sri Kaliyamman Kovil, Pottalpatti Village, Sivakasi Taluk, Virudhunagar District, scheduled to be held on 09.08.2016 to 14.08.2016 between 07.00 p.m. and 11.30 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 participants of the programme be responsible for the same; and

(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.

7. This writ petition is accordingly allowed. No costs.

Sd/

Assistant Registrar(AS)

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/True Copy/

Sub Assistant Registrar.

To:

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

2.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

3.The Sub Inspector of Police,
Maraneri Police Station,
Sivakasi Circle,
Virudhunagar District.

4. The Additional Government Pleader,
Madurai Bench of Madras High court, Madurai

+1CC to M/S.P.M.Vishnu Varthahan, Advocate, SR.No. 42655

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08.08.2016

gcg

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