



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.14579 of 2016

and WMP(MD)No.10813 of 2016

M.Palmari

...Petitioner

-vs-

1.The Deputy Superintendent of Police,
Kovilpatti, Tuticorin District

2.The Inspector of Police
Kalugumalai Police Station,
Kalugumalai
Tuticorin District

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus pursuant to the proceedings in C.No.372/MIKE/Permission/DSP/KVP/16 dated 05.08.2016 and quash the same as devoid of merits and directing the 1st respondent to give suitable direction to the 2nd respondent to give permission and police protection to the Music Orchestra program on 13.08.2016 at 07.00 pm to 11.00 pm in the petitioners village temple festival of Arulmigu Sri Palmariamman Thirukovil Aadi Thiruviza at kalugumalai Tuticorin District.

For Petitioner : Mr.S.Selvakumar

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 2nd respondent dated 05.08.2016 rejecting the request of the petitioner to conduct the Music Orchestra program on 13.08.2016 at 07.00 pm to 11.00 pm in the petitioner's village Temple festival of Arulmigu Sri Palmariyamman Thirukovil, Aadi Thiruviza at kalugumalai, Tuticorin District.

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. The learned counsel appearing for the petitioner would submit that the 2nd respondent has issued a single line order stating that it is not permitted 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 vide order dated 05.08.2016.

6. Perusal of the impugned order of rejection would go to show that the 2nd respondent has refused the permission and the reason as to why, the permission is not granted has not even been stated in the impugned order. Accordingly, the Writ Petition is allowed and the order of rejection dated 05.08.2016 is set aside. The 2nd respondent is directed to accord permission to the petitioner to conduct Music Orchestra program in the petitioners village temple festival of Arulmigu Sri Palmariyamman Thirukovil Aadi Thiruviza at kalugumalai Tuticorin District scheduled on 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 in order to avoid awkwardness;

(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;

(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. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar(CS)

To

1. The Deputy Superintendent of Police,
Kovilpatti, Tuticorin District

2. The Inspector of Police, Kalugumalai Police Station,
Kalugumalai, Tuticorin District.

+1cc to M/s.S.Selvakumar, Advocate in SR.43430

+1cc to the Special Government Pleader, in SR.43506

W.P(MD)No.14579 of 2016

and WMP(MD)No.10813 of 2016

10.08.2016