



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.14640 of 2016

and

WMP(MD)NO.10856 of 2016

K.Muthu

... Petitioner

-vs-

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 07.06.2016 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to grant permission to conduct the Orchestra Music Show to be held on 16.08.2016 at 7.00 P.M. to celebrating the festival of Sri Azhagiya Mannaar Rajagopal Swamy Temple Festival situated at North Vijayanarayanam Tirunelveli District.

For Petitioner : Mr.P.R.Prithiviraj
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 07.06.2016 with the consequential direction to the second respondent to permit the petitioner to conduct Orchestra Music Show to be held on 16.08.2016 at 7.00 P.M. to celebrate the festival of Sri Azhagiya Mannaar Rajagopal Swamy Temple Festival situated at North Vijayanarayanam, Tirunelveli 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.

<https://hcservices.ecourts.gov.in/hcservices/>

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 representation submitted by the petitioner has been rejected on the mere apprehension 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 representation of the petitioner has been rejected on a mere apprehension that there is likelihood of law and order problem. This apprehension is unfounded, as it is not supported by any document. Therefore, the order dated 07.06.2016 passed by the second respondent is liable to be set aside.

7. Under such circumstances, the Writ Petition is allowed and the order of rejection dated 07.06.2016 is set aside. The second respondent is directed to accord permission to the petitioner to conduct **Orchestra Music Show** to celebrate the festival of Sri Azhagiya Mannaar Rajagopal Swamy Temple Festival situated at North Vijayanarayanam, Tirunelveli District., scheduled to be held on 16.08.2016 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;

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

<https://hcservices.ecourts.gov.in/hcservices/>

(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.

Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

WEB COPY

Sub Assistant Registrar

To

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

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

+1 cc to M/s.P.R.Prithiviraj, Advocate in SR.No.43889

+1 cc to The Special Government Pleader in SR.No. 43681

mj

GJM/KBM/SAR-III/12.08.2016 :2P/5C

W.P(MD)No.14640 of 2016
11.08.2016