



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.08.2016

CORAM

THE HON'BLE DR.JUSTICE T.RAJA

W.P(MD)No.14858 of 2016

R.Makendran

... Petitioner

-vs-

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

2.The Inspector of Police,
Town- Police Station
Rameshwaram
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents herein to give permission and protection for conducting Aadal Padal Orchestra Programme on 16.08.2016 in connection with Arulmigu Mega Kaliyamman Temple, Eththi Street, (Opp.J.J.Car Parking), Rameswaram, Ramanathapuram District, based on the petitioner's representation dated 08.08.2016 and 10.08.2016 respectively.

For Petitioner : Mr.D.Balamurugapandi
For Respondents : Mr.S.Chandrasekar
Govt.Advocate

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to give permission and protection for conducting Aadal Aadal Orchestra Programme on 16.08.2016 in connection with Arulmigu Mega Kaliyamman Temple, Eththi Street, (Opp.J.J.Car Parking) Rameshwaram, Ramanathapuram District, based on the petitioner's representation dated 08.08.2016 and 10.08.2016 respectively.

2. Mr.S.Chandrasekar, learned Government Advocate, 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 Government Advocate 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. However, the same was not considered by the respondents so far 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 Government Advocate appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner may be granted with appropriate and stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such programme.

6. In view of the fact that function is scheduled on 16.08.2016, due to paucity of time, if this matter is listed before the criminal court, the purpose would be defeated and therefore, this Court entertains this Writ Petition and dispose of this Writ Petition with a direction to the respondent police to accord permission to the petitioner to conduct Aadal Aadal Orchestra Programme on 16.08.2016 in connection with Arulmigu Mega Kaliyamman Temple, Eththi Street, (Opp.J.J.Car Parking) Rameshwaram, Ramanathapuram District, scheduled 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 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 immediately. No costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/



To

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

2.The Inspector of Police,
Town- Police Station
Rameshwaram
Ramanathapuram District.

+1 cc to M/s.D.Balamurugapandi, Advocate in SR.No.44205
+1CC to Spl.Government Pleader Sr.No.44424

ssm

GJM/GSV-PM/SAR-I/12.08.2016: 3P/5C

ORDER MADE IN
W.P (MD) No.14858 of 2016
12.08.2016