



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.08.2016**

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.14882 of 2016

Ramarajas

... Petitioner

-vs-

The Sub Inspector of Police
Pappakudi Police Station,
Tirunelveli District

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the respondent in his proceedings Nil dated 04.08.2016 and quash the same as illegal consequently directing the respondent to permit the petitioner to conduct Orchestra Musical program during the festival in Arulmighu Bathrakali Amman Temple Ram Nagar Village, Tirunelveli Dist on 27.08.2016 and 28.08.2016.

For Petitioner : Mr.P.Mani Anandh
For Respondent : Mr.D.Muruganandham
Addl. Govt. Pleader

O R D E R

The writ petition has been filed challenging the order passed by the respondent dated 04.08.2016 rejecting the request of the petitioner to conduct the Music Orchestra programme on 27.08.2016 and 28.08.2016 during the festival in Arulmighu Bathrakali Amman Temple Ram Nagar Village, Tirunelveli 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 respondent 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 04.08.2016.

6. Perusal of the impugned order of rejection would go to show that the respondent has refused the permission and no convincing reasons have been stated in the impugned order. Accordingly, the Writ Petition is allowed and the order of rejection dated 04.08.2016 is set aside. The respondent is directed to accord permission to the petitioner to conduct Music Orchestra program in the petitioners village during the festival in Arulmighu Bathrakali Amman Temple Ram Nagar Village, Tirunelveli District scheduled on 27.08.2016 and 28.08.2016 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

To

The Sub Inspector of Police

Pappakudi Police Station,

Tirunelveli District

+1cc to M/S.P.MANI ANANDH, ADVOCATE, SR NO:44017

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO:44467

RR

JA-KBM-SAR.AE.17.08.2016/2P:4C

ORDER MADE IN
W.P(MD)No.14882 of 2016
12.08.2016