



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.15058 of 2016

WEB COPY

D.Jeyaram

... Petitioner

-vs-

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

2.The Inspector of Police,
Vikramasingapuram Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent dated 10.08.2016 and quash the same as illegal and consequently direct the 2nd respondent to permit the petitioner to conduct Innisai Katcheri (Musical Concert) between 10.30 p.m to 12.00 a.m. on 21.08.2016 and 22.08.2016 at the festival of Arulmigu Sriman Narayanaswamy Temple, Muthaliyarpatti Village, Vikramasingapuram , Tirunelveli District.

For Petitioner : Mr.V.Angusamy

For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader.**O R D E R**

The writ petition has been filed seeking to quash the impugned order passed by the second respondent dated 10.08.2016 with the consequential direction to the second respondent to grant permission to the petitioner to conduct Innisai Katcheri (Musical Concert) between 10.30 p.m to 12.00 a.m. on 21.08.2016 and 22.08.2016 at the festival of Arulmigu Sriman Narayanaswamy Temple, Muthaliyarpatti Village, Vikramasingapuram, 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.

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 response was given to the respondents, 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 would submit that the permission sought for by the petitioner has been rejected on the ground that there is likelihood of communal and law and order problem.

6.However, the rejection order dated 10.08.2016 did not disclose any specific reason. The order is very general in stating that there is likelihood of law and order problem.

7.Under such circumstances, the Writ Petition is allowed and the order of rejection dated 10.08.2016 is set aside. The second respondent is directed to accord permission to the petitioner to conduct **Innisai Katcheri (Musical Concert)** at the festival of Arulmigu Sriman Narayanaswamy Temple, Muthaliyarpatti Village, Vikramasingapuram, Tirunelveli District, scheduled to be held on 21.08.2016 and 22.08.2016, 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;

(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.

Sd/

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To

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

2.The Inspector of Police,

Vikramasingapuram Police Station, Tirunelveli District.

+1cc to M/S.V.Angusamy, Advocate in SR.No.45191

+1cc to Special Government Pleader in SR.No.44976

W.P(MD)No.15058 of 2016
18.08.2016

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