



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.15127 of 2016

WEB COPY

Kothalakumar

... Petitioner

-vs-

1.The Assistant Commissioner of Police
Tenkasi, Tirunelveli District.

2.The Inspector of Police
Aikudi, Tirunelveli District

3.The Sub Inspector of Police
Elather, Tirunelveli 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 to give permission and protection to celebrate Krishna Jayanthi on 27.08.2016 and 28.08.2016 with music party(not Adal Padal) children sports including uriyadi sendaimelam and other related functions mentioned in the representation dated 08.08.2016.

For Petitioner : Mr.V.Kathirvelu
senior counsel for Mr.K.Prabhu

For Respondents : Mr.D.Muruganandham
Addl. Govt. Pleader

ORDER

The writ petition has been filed for a direction to the respondents to give permission and protection to celebrate Krishna Jayanthi on 27.08.2016 and 28.08.2016 with music party(not Adal Padal) children sports including Uriyadi Sendaimelam and other related functions mentioned in the representation dated 08.08.2016.

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 Deputy Superintendent of Police 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 by the Deputy Superintendent of Police, Tenkasi Sub Division, Tirunelveli District, by stating that proceedings under Section 30(2) of the Tamil Nadu Police Act is in force in the Tenkasi Sub Division and there is likelihood of law and order problem.

6. Perusal of the impugned order of rejection would go to show that the Deputy Superintendent of Police, Tenkasi Sub Division has refused the permission. However, the permission is rejected on the mere apprehension of law and order problem and that the apprehension is not proved by any materials. Accordingly, the Writ Petition is allowed and the order of rejection is set aside. The 3rd respondent is directed to accord permission to the petitioner to celebrate Krishna Jayanthi with music party (not Adal Padal) children sports including Uriyadi Sendaimelam and other related functions scheduled between 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
ASST REGISTRAR (Crl.Side)

TRUE COPY

SUB ASST REGISTRAR

RR



To

1.The Assistant Commissioner of Police
Tenkasi, Tirunelveli District.

2.The Inspector of Police
Aikudi, Tirunelveli District

3.The Sub Inspector of Police
Elather, Tirunelveli District

1CC TO MR. K.PRABHU ADVOCATE SR: 45464

1CC TO THE SPL GOVT PLEADER SR: 45385

ORDER MADE IN W.P (MD) No.15127 of 2016
18.08.2016

RR

PA/KP/SAR III/18.08.2016/3P/6C (IT)