



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.15242 of 2016

S.Nambi

... Petitioner

Vs.

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

2. The Sub Inspector of Police,
Nanguneri Police Station,
Nanguneri
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 grant permission and necessary police protection to perform the Village cultural programme I.e., Innisai Katcheri on 02.09.2016 at 10.00 p.m., to 01.00 a.m., in the eve of Arulmighu Sree Othapanai Sudalai Andavar Thirukovil Temple Festival at Potthaisutthi, Kallikulam, Nanguneri Taluk, Tirunelveli District, by considering the Petitioner's representation, dated 12.08.2016.

For Petitioner : Mr.K.Sudalaiyandi
For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader.

ORDER

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to grant permission and necessary police protection to perform the Village cultural programme I.e., Innisai Katcheri on 02.09.2016 at 10.00 p.m., to 01.00 a.m., in the eve of Arulmighu Sree Othapanai Sudalai Andavar Thirukovil Temple Festival at Potthaisutthi, Kallikulam, Nanguneri Taluk, Tirunelveli District, by considering the Petitioner's representation, dated 12.08.2016.

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 representation was given to the second respondent, but, however, the same was not considered by the second respondent 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 Additional Government Pleader 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. Accordingly, in view of the submission made by the learned Additional Government Pleader, the Writ Petition is disposed of with a direction to the second respondent police to accord permission to the petitioner to conduct **Innisai Katcheri**, in the eve of 'Arulmighu Sree Othapanai Sudalai Andavar Thirukovil Temple' Festival at Potthaisutthi, Kallikulam, Nanguneri Taluk, Tirunelveli District, on 02.09.2016, 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; and

(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.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To

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

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

+ 1 CC TO MR.K.SUDALAIYANDI, ADVOCATE IN SR No. 45443

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 45391

RR

TE/GSV-PM/SAR-WRIT : 19/08/2016 : 3P/5C (IT)

ORDER MADE IN
W.P (MD) No.15242 of 2016
18.08.2016