



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

WEB COPY

W.P(MD)No.15299 of 2016

Kungumam P.Baskar

... Petitioner

-vs-

- 1.The Superintendent of Police,
Tirunelveli District, Tirunelveli
- 2.The Deputy Superintendent of Police
Valliyoor Sub Division Tirunelveli District
- 3.The Inspector of Police
Thisayanvilai Police Station, Tirunelveli District .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus by calling for the entire records pertaining to the order passed by the 3rd respondent vide his letter dated 13.08.2016 and quash the same and consequently direct the respondents to grant permission and police protection for the eve of Innisai Katcheries so as to conduct the same between 8.10 p.m. and 12.00 p.m in connection with the temple festival of Arulmigu Sri Sudalai Andavar Thirukovil Thisaiyanvilai Tirunelveli District which are scheduled to be taken place from 21.08.2016 till 26.08.2016.

For Petitioner : Mr.R.Anand
For Respondents : Mr.D.Muruganandham
Addl. Govt. Pleader

O R D E R

The writ petition has been filed challenging the order passed by the 3rd respondent rejecting the request of the petitioner to conduct Innisai Katcheries between 8.10 p.m. and 12.00 p.m in connection with the temple festival of Arulmigu Sri Sudalai Andavar Thirukovil Thisaiyanvilai Tirunelveli District which are scheduled to be taken place from 21.08.2016 till 26.08.2016.

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 3rd 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 by the 3rd respondent.

6. Perusal of the impugned order of rejection would go to show that the 3rd respondent has refused the permission and the reason as to why, the permission is not granted has not even been stated in the impugned order. 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 conduct for the eve of Innisai Katcheries in connection with the temple festival of Arulmigu Sri Sudalai Andavar Thirukovil, Thisaiyanvilai, Tirunelveli District which are scheduled from 21.08.2016 till 26.08.2016., 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

TRUE COPY

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SUB ASST REGISTRAR

To

1. The Superintendent of Police, Tirunelveli District, Tirunelveli
2. The Deputy Superintendent of Police
Valliyoore Sub Division Tirunelveli District
3. The Inspector of Police
Thisaiyanvilai Police Station, Tirunelveli District

1CC TO MR R. ANAND ADVOCATE SR: 45507
1CC TO THE SPL GOVT PLEADER SR: 45386