



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.15324 of 2016

WEB COPY

Thirupathi

... 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 to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the respondent in his proceedings Nil dated 03.08.2016 and quash the same as illegal consequently directing the respondent to permit the petitioner to conduct Orchestra Musical programe during the festival in Arulmighu Sri Parvathi Amman Temple, Kumarasamiyapuram Village, Cheranmahadevi Taluk , Tirunelveli District on 14.09.2016.

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

O R D E R

The writ petition has been filed to quash the impugned order passed by the respondent dated 03.08.2016 with the consequential direction to the respondent to grant permission to the petitioner to conduct Orchestra Musical programme during the festival in Arulmighu Sri Parvathi Amman Temple, Kumarasamiyapuram Village, Cheranmahadevi Taluk , Tirunelveli District on 14.09.2016.

2.Mr.D.Muruganandam, learned Additional Government Pleader, takes notice for the respondent. 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 respondent.

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 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 respondent, on instructions, would submit that the representation was rejected on the ground that permission to conduct karakattam will not be granted within the jurisdiction of the respondent police.



6.A perusal of the impugned order of rejection would go to show that the representation of the petitioner was rejected without any reasonable basis. Therefore, the order dated 03.08.2016 passed by the respondent is liable to be set aside.

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7.Under such circumstances, the Writ Petition is allowed and the order of rejection dated 03.08.2016 is set aside. The respondent is directed to accord permission to the petitioner to conduct *Orchestra Musical programme* during the festival in Arulmighu Sri Parvathi Amman Temple, Kumarasamiyapuram Village, Cheranmahadevi Taluk, Tirunelveli District, scheduled to be held on 14.09.2016., 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;
- (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(CS)

To

The Sub Inspector of Police, Pappakudi Police Station,
Tirunelveli District.

+1cc to M/s.P.Mani Anandh, Advocate in SR.45754

+1cc to the Special Government Pleader, in SR.46000

W.P(MD) No.15324 of 2016
19.08.2016

mj

PBK/GSV-PM/SAR-AE 24/08/2016 ::2P-4C:: (IT)