



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2016

CORAM

**THE HON'BLE DR.JUSTICE S.VIMALA**

W.P(MD)No.15573 of 2016

WEB COPY

P.K.S.T.Radhakrishnan

Hereditary Trustee

Arulmigu Sri Suyambulinga Swamy Thirukovil

Uvari - 627 651,

Tirunelveli District

... Petitioner

-vs-

1.The Superintendent of Police

Tirunelveli District, Tirunelveli

2.The Inspector of Police,

Uvari Police Station, Uvari

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 herein to give permission and necessary protection to perform the Cultural Music Programme on 31.08.2016 at 7.00 p.m to 11.00 pm in the Aavani Perukodai Festival of Arulmigu Brahmhasakthi Ambal Thirukovil situated within the compound of Arulmigu Sri Suyambulinga Swamy Thirukovil Uvari Tirunelveli District.

For Petitioner : M/s.J.Padmavathi Devi

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

### **O R D E R**

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents herein to give permission and necessary protection to perform the Cultural Music Programme on 31.08.2016 at 7.00 p.m to 11.00 pm in the Aavani Perukodai Festival of Arulmigu Brahmhasakthi Ambal Thirukovil situated within the compound of Arulmigu Sri Suyambulinga Swamy Thirukovil Uvari Tirunelveli District.

2.Mr.D.Muruganandham, 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 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 2<sup>nd</sup> respondent, but, however, the same was not considered by the 2<sup>nd</sup> 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 the direction to the respondent police to accord permission to the petitioner to conduct "Cultural Music Programme" during the Aavani Perukodai Festival of Arulmigu Brahmhasakthi Ambal Thirukovil situated within the compound of Arulmigu Sri Suyambulinga Swamy Thirukovil Uvari Tirunelveli District, scheduled on 31.08.2016 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.

Sd/

Assistant Registrar(Records)



To

1.The Superintendent of Police  
Tirunelveli District, Tirunelveli

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

+1cc to M/S.T.Padmavathi Devi, Advocate in SR.No.46458

+1cc to Special Government Pleader in SR.No.46547

ORDER MADE IN  
W.P (MD) No.15573 of 2016  
23.08.2016

RR

PA/SKS-RR/SAR AE/24.08.2016/3P/5C (IT)