



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.15799 of 2016

WEB COPY

S.Suthan

...Petitioner

-vs-

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

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of issue a Writ of Certiorarified Mandamus to call for the records of the respondent by his impugned order dated 11.08.2016 and quash the same and consequently direct the respondent to grant permission for conducting Orchestra on 25.09.2016 and 27.09.2016 during night in Sri Pathrakaliamman Temple, Kurumbalaperi, Kulasekarapatti Village, Tenkasi Taluk, Tirunelveli District based on the petitioner's representation dated 11.08.2016.

For Petitioner : Mr.K.Esakki

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 11.08.2016 with the consequential direction to the respondent to grant permission and adequate police protection for conducting Orchestra on 25.09.2016 and 27.09.2016 during night in Sri Pathrakaliamman Temple, Kurumbalaperi, Kulasekarapatti Village, Tenkasi Taluk, Tirunelveli District based on the petitioner's representation dated 11.08.2016.

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 respondents would submit that the permission sought for by the petitioner has been rejected on the ground that there is likelihood of communal problem during festival.

<https://hcservices.ecourts.gov.in/hcservices/>

6.The refusal of the impugned order of rejection would go to show that the respondent has refused to grant permission on the very general ground that there is likelihood of communal problem and no acceptable

reason has been adduced. Therefore, the impugned order dated 11.08.2016 is liable to be set aside.

7. Accordingly, the impugned order passed by the second respondent dated 11.08.2016 is set aside and the Writ Petition is disposed of with the direction to the respondent to accord permission to the petitioner to conduct Orchestra during night in Sri Pathrakaliamman Temple, Kurumbalaperi, Kulasekarapatti Village, Tenkasi Taluk, Tirunelveli District, scheduled to be held on 25.09.2016 and 27.09.2016, 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, Pavorchatram Police Station,
Tirunelveli District.

+1cc to M/s.K.Esakki, Advocate in SR.47097

+1cc to the Special Government Pleader, in SR.47266

W.P(MD) No.15799 of 2016
24.08.2016

mj

PBK/KP/SAR-I 24/08/2016 ::2P-4C:: (IT)