



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.08.2016
CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

WEB COPY

W.P (MD) No.15806 of 2016

T.Vellaisamy

... Petitioner

-vs-

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

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

... Respondents

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 impugned order dated 20.08.2016 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to grant permission for conducting orchestral programme (Inniai Katcheri) on 28.08.2016 in pursuance of the petitioners representation dated 20.08.2016 in the Kodai festival of Arulmigu Periyandavar Periyasamy temple situated at Keelapavoor, Tirunelveli District forthwith and also provide police protection during the programme to the general public.

For Petitioner : Mr.S.Palani Velayutham
For Respondents : 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 second respondent dated 20.08.2016 with the consequential direction to the second respondent to grant permission to the petitioner to conduct orchestral programme (Innidai Katcheri) on 28.08.2016 in pursuance of the petitioner's representation dated 20.08.2016 in the Kodai festival of Arulmigu Periyandavar Periyasamy temple situated at Keelapavoor, Tirunelveli District forthwith and also provide police protection during the programme to the general public.

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 respondents, 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 law and order problem during festival.

6.A perusal of the impugned order of rejection would go to show that the second respondent has refused to grant permission on the very general ground that there is likelihood of law and order problem and no specific reason has been adduced. Therefore, the impugned order dated 20.08.2016 is liable to be set aside.

7.Accordingly, the impugned order passed by the second respondent dated 20.08.2016 is set aside and the Writ Petition is disposed of with the direction to the second respondent to accord permission to the petitioner to conduct orchestral programme (Innidai Katcheri) in the Kodai festival of Arulmigu Periyandavar Periyasamy temple situated at Keelapavoor, Tirunelveli District, scheduled to be held on 28.08.2016, 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;

(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 (AE)

/True copy/



To

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

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

+1cc to MR.S.PALANIVELAYUTHAM,ADVOCATE, SR NO:46967

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 47264

JA-SKS-RR-SAR.AE-3P-5C

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