



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.15888 of 2016

WEB COPY

R.P.Jeyapandian

...Petitioner

-vs-

1.The Superintendant of Police,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings dated 18.08.2016 of the 2nd respondent and to quash the same consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (ie.) Innisai Katcheri and dance programme (Aadal Padal) on 28.08.2016 and 31.08.2016 at 08.00 pm respectively in the eve of Subramaniapuram Arulmighu Sri Mutharamman Thirukovil at Subramaniapuram, Thoothukudi District.

For Petitioner : Mr.S.Chellapandian
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 18.08.2016 with the consequential direction to the respondents to grant permission and necessary protection to perform cultural programme (ie.) Innisai Katcheri and dance programme (Aadal Padal) on 28.08.2016 and 31.08.2016 at 08.00 pm respectively in the eve of Subramaniapuram Arulmighu Sri Mutharamman Thirukovil at Subramaniapuram, Thoothukudi District.

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 second 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

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.A perusal of the impugned order of rejection would go to show that without assigning any reason, the second respondent has simply refused to grant permission and therefore, the order of rejection dated 18.08.2016 is liable to be set aside.

7.Accordingly, the Writ Petition is allowed and the order of rejection dated 18.08.2016 is set aside. The second respondent is directed to accord permission to perform *Innisai Katcheri* and dance programme (*Aadal Padal*) in the eve of Subramaniapuram Arulmighu Sri Mutharamman Thirukovil at Subramaniapuram, Thoothukudi District., scheduled to be held on 28.08.2016 and 31.08.2016 between 07.00 p.m., and 10.30 p.m., by incorporating the following conditions:

(a) Obscene dance / songs / vulgar dialogues should be avoided during the programme;

(b) Songs conveying obscene double meaning should not be played in order to avoid awkwardness;

(c) No dance or songs, touching upon the conduct of any political party or community or caste be played;

(d) No flex boards in support of any political party or religious leader be erected;

(e) 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;

(f) the participants of the programme shall not intake any kind of intoxicating substance or liquor during the programme;

(g) In respect of untoward incident occurring, the organizers of the programme be responsible for the same;

(h) 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(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

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

2.The Inspector of Police, Thattarmadam Police Station,
Thoothukudi District.

+1cc to M/s.S.Chellapandian, Advocate in SR.47015

+1cc to the Special Government Pleader, in SR.47258

W.P(MD) No.15888 of 2016
24.08.2016

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