



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.15959 of 2016

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Sunduraisamy

...Petitioner

-vs-

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

2.The Inspector of Police,
Sattankulam Police Station,
Sattankulam,
Thoothukudi 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 the permission for conducting Innisai Katcheri (Orchestra) on 28.08.2016 from 9.00 p.m. onwards (i.e. after Thiruther Pavani at 5.00 p.m.) in connection with Ulaga Meetiper Alayam, Nedunkulam, Sattankulam Taluk, Thoothukudi District based upon petitioner's representation dated 23.08.2016.

For Petitioner	:	Mr.V.Rajiv Rufus
For Respondents	:	Mr.D.Muruganandham Addl. Govt. Pleader

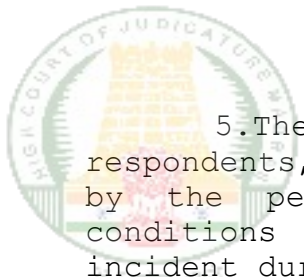
O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents herein to give the permission for conducting Innisai Katcheri (Orchestra) on 28.08.2016 from 9.00 p.m. Onwards (i.e. After Thiruther Pavani at 5.00 p.m.) in connection with Ulaga Meetiper Alayam, Nedunkulam, Sattankulam Taluk, Thoothukudi District based upon petitioner's representation dated 23.08.2016.

2.Mr.D.Muruganandham, 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 2nd respondent, but, however, the same was not considered by the 2nd 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 hindrance 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.

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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 2nd respondent police to accord permission to the petitioner to conduct *innisai Katcheri* programme in connection with festival of Ulaga Meetiper Alayam, Nedunkulam, Sattankulam Taluk, Thoothukudi District, scheduled on 28.08.2016 between 09.00 p.m., and 11.00 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(T&P)

/True copy/

Sub Assistant Registrar(CS)

To

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

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

+1cc to M/s.V.Rajiv Refus, Advocate in SR.47341

+1cc to the Special Government Pleader, in SR.47465

W.P(MD)No.15959 of 2016
26.08.2016

rr.

PBK/SK-SKN/SAR-III 26/08/2016 ::2P-5C:: (IT)