



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.16052 of 2016

Mohan

... Petitioner

-VS-

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

2. The Sub-Inspector of Police,
Arumuganeri Police Station,
Arumuganeri,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings dated 23.08.2016 of the 2nd respondent and to quash the rejected portion of the function dated 31.08.2016 consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) Innisai Katcheri on 31.08.2016 at 09.00 pm in the eve of Lakshmipuram Arulmighu Utchimahakaliamman Kovil at Lakshmipuram, Kayalpattinam, Thiruchendur Taluk, Thoothukudi District.

For Petitioner : Mr.N.Pragalathan
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 2nd respondent dated 23.08.2016 with the consequential direction to the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) Innisai Katcheri on 31.08.2016 at 09.00 pm in the eve of Lakshmipuram Arulmighu Utchimahakaliamman Kovil at Lakshmipuram, Kayalpattinam, Thiruchendur Taluk, 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 being conducted regularly in order to promote harmony during the above said festival period. He would further submit that the representation given to the respondent was rejected vide the impugned order dated 23.08.2016.

5. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that since there are several programmes are going to be conducted on 31.08.2016, the respondent is prepared to grant permission to the petitioner, in the event of the petitioner choosing some other date for conducting the cultural programme.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner is ready to alter the date of programme to 01.09.2016 instead of 31.08.2016.

7. Accordingly, in view of the submissions made on either side, the writ petition is allowed and the impugned order is hereby quashed. The respondent police is directed to accord permission to the petitioner to perform the **cultural programme (i.e.) Innisai Katcheri on 01.09.2016** in the eve of Lakshmipuram Arulmighu Utchimahakaliamman Kovil at Lakshmipuram, Kayalpattinam, Thiruchendur Taluk, Thoothukudi District between 7.00 p.m., and 10.30 p.m., by incorporating the following conditions:

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

(g) 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(W)

/True copy/



To:

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

2. The Sub-Inspector of Police,
Arumuganeri Police Station,
Arumuganeri, Thoothukudi District.

+1 cc to M/s.N.Pragalathan, Advocate in SR.No.47588

+1 cc to The Special Government Pleader in SR.No. 47722

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CSL/SKS-RR/SAR-CO/29.08.2016: 3P/5C

W.P.(MD) No.16052 of 2016

26.08.2016