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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.16059 of 2016

Muthu

... 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 18.08.2016 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 (ie) Innisai Katcheri on 31.08.2016 a 09.00 pm in the eve of Ambedkar Nagar Arulmgu Santhanamariamman Kovil at Ambedkar Nagar Arumuganeri 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 18.08.2016 with the consequential direction to the respondents to perform the cultural programme (ie) Innisai Katcheri on 31.08.2016 at 09.00pm in the eve of Ambedkar Nagar Arulmgu Santhanamariamman Kovil at Ambedkar Nagar, Arumuganeri, Thoothukudi District.

<https://hcservices.courts.mv.in/hservices> On 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.

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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 18.08.2016.

5. Today, 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 so as to prevent disturbance to the public tranquility and also to avoid any untoward incident during performance of such programme.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner will advise his people not to cause any hindrance to the law and order so as to avoid untoward incident. The said submission is recorded.

7. Accordingly, in view of the submission made by the learned Additional Government Pleader and undertaking given by the learned counsel for the petitioner, 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 31.08.2016 in the eve of Ambedkar Nagar, Arulmgu Santhanamariamman Kovil at Ambedkar Nagar, Arumuganeri, Thoothukudi District between 7.00 p.m., and 10.30 p.m., by incorporating the following conditions:

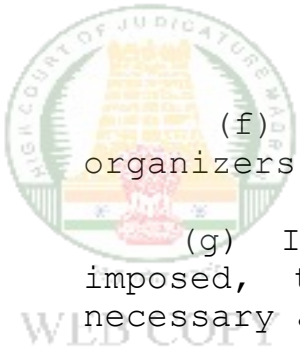
(a) Songs / vulgar dialogues should be avoided during the programme;

(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



(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(T&P)

/True Copy/

Sub Assistant Registrar.

To:

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

+1CC to M/S.N.Pragalathan, Advocate, SR.No. 47389

+1CC to the Special Government Pleader, SR.No. 47475

W.P.(MD) No.16059 of 2016

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