



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.16238 of 2016

WEB COPY

A.Thamotharan

... Petitioner

-Vs-

1.The Superintendent of Police,
Office of Superintendent of Police,
Tuticorin District.

2.The Inspector of Police,
Athur Police Station,
Tuticorin District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant permission and protection for Innisai Katcheri performed in "Kodai Vizha" to be held on 07.09.2016 at evenings between 8.00 p.m. and 11.00 p.m. at Sri Pathirakaliamman Temple at Thalaivanvadali, Authoor Post, Tuticorin District.

For Petitioner : Mr.G.Vidhya Maheswaran

For Respondents : Mr.D.Muruganandam,
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 grant permission and protection to the petitioner to conduct "Innisai Kacheri (Musical Concert)" on 07.09.2016 in connection with Kodai Vizha festival of Arulmigu Sri Pathirakaliamman Temple at Thalaivanvadali, Authoor Post, Tuticorin District, based on the petitioner's representation dated 14.08.2016.

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 not considered 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 untoward incident 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 till 10.00 p.m.

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 second respondent police to accord permission to the petitioner to conduct **Innisai Katcheri (Music Concert)** in connection with Kodai Vizha festival of Arulmigu Sri Pathirakaliamman Temple at Thalaivanvadali, Authoor Post, Tuticorin District, scheduled to be held on 07.09.2016 between 07.00 p.m., and 10.00 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; and

(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(CS-I)

/TRUE COPY/

Sub Assistant Registrar



To

1. The Superintendent of Police,
Office of Superintendent of Police,
Tuticorin District.

2. The Inspector of Police,
Athur Police Station,
Tuticorin District.

+1cc to Special Government Pleader in SR.No.48145

+1cc to M/S.G.Vidhya Maheswaran, Advocate in SR.No.48037

W.P (MD) No.16238 of 2016
30.08.2016

gcg

PA/AAL-MPA/SAR III/02.09.2016/3P/5C(IT)