



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.16249 of 2016

C.Subramanian

... Petitioner

-vs-

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

2.The Sub Inspector of Police,
Armuganeri 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 to call for the records relating to the impugned proceedings dated 11.08.2016 of the 2nd respondent and to quash the rejected portion of the Innisai Katcheri dated 08.09.2016 and consequently direct the respondents to grant permission and necessary protection to perform the cultural programme ie., Innisai Katcheri on 08.09.2016 at 08.00 p.m. in the eve of Rathinapuri Arulmigu Sri Santhanamariamman Kovil at Rathinapuri 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 11.08.2016 with a consequential direction to the 2nd respondent to grant permission and protection to conduct Music concert programme on 08.09.2016 at 08.00 p.m. in the eve of Rathinapuri Arulmigu Sri Santhanamariamman Kovil, Rathinapuri 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.

WEB COPY

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 and that though the permission sought for by the petitioner for conducting various programme was granted by the 2nd respondent, the permission for conducting Innisai Katcheri alone was rejected, vide the impugned order dated 11.08.2016.

5. The learned Additional Government Pleader appearing for the respondents would submit that considering the law and problem prevalent in the area, the permission for conducting the programme was rejected.

6.A perusal of the impugned order shows that the permission sought for by the petitioner has been rejected without assigning any valid reason. Further, this order cannot be sustained as it is a blanket order refusing permission for particular area. Accordingly, the impugned order passed by the 2nd respondent dated 11.08.2016 is set aside and the second respondent police is directed to accord permission to the petitioner to conduct Innisai Katcheri (Music Concert) in the eve of Arulmigu Sri Santhanamariamman Kovil, Rathinapuri Kayalpattinam, Thiruchendur Taluk, Thoothukudi District, scheduled to be held on 08.09.2016 between 07.00 p.m., and 10.30 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.

7. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(AE)

To:

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

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

+1CC to M/s.N.Pragalathan, Advocate, S.R.No.48157

gcg
MKSK/SS3/SAR(AE)/30.08.2016/3P/4C

W.P(MD) No.16249 of 2016
30.08.2016