



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.16595 of 2016

C.Raththinaraj

... Petitioner

-vs-

The Sub-Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

... Respondent

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 of the respondent by his impugned order dated 14.08.2016 and quash the same and consequently direct the respondent to grant permission for conducting Orchestra on 26.09.2016 during night in Sri Muppudhathiamman Temple, Theerththarappapuram, Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli District based on petitioner's representation dated 14.08.2016.

For Petitioner : Mr.K.Esakki
For Respondent : Mr.R.Karthikeyan
Addl. Govt. Pleader

O R D E R

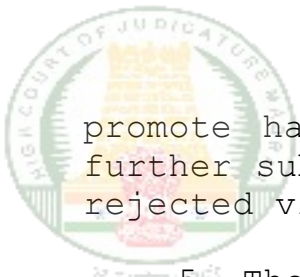
The writ petition has been filed to quash the impugned order passed by the respondent dated 14.08.2016 with the consequential direction to the Respondent to grant permission for conducting Orchestra on 26.09.2016 during night in Sri Muppudhathiamman Temple, Theerththarappapuram, Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli District based on petitioner's representation dated 14.08.2016.

2. Mr.R.Karthikeyan, learned Additional Government Pleader, takes notice for the respondent. 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 respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

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 14.08.2016.

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 programme was rejected.

6. However, the reason alleged does not form part of the order and as the law and order problem may not exist in the area as of now, the petitioner is permitted to make a fresh representation.

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 Orchestra on 26.09.2016 during night in Sri Muppudhathiamman Temple, Theerththarappapuram Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli 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(CS-I)

/True Copy/

Sub Assistant Registrar.

To:

The Sub-Inspector of Police, Pavoorchatram Police Station,
Tirunelveli District.

+1CC to M/S.K.Esakki, Advocate, SR.No. 49430

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