



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.17023 of 2016

and

WMP (MD) No.12345 of 2016

V.Jeganathan

... Petitioner

-vs-

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

2.The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli 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 pertaining to the order, dated 03.09.2016 passed by the 2nd respondent and quash the same and consequently, direct the 2nd respondent to grant permission to conduct the "Orchestra Music Show" to be held on 13.09.2016 at 07.00 pm to celebrate the festival of "Devi Sri Ittamoli Mutharamman Temple Festival" situated at East Street, Ittamoli, Tirunelveli District and further provide adequate police protection to the festival and pass such further orders.

For Petitioner : Mr.P.R.Prithiviraj
For Respondents : Mr.K.P.Krishna Das
Government Advocate

O R D E R

The writ petition has been filed to quash the impugned order passed by the 2nd respondent, dated 03.09.2016 with the consequential direction to the 2nd respondent to grant permission and necessary protection to conduct the "Orchestra Music Show" to be held on 13.09.2016 at 07.00 pm to celebrate the festival of "Devi Sri Ittamoli Mutharamman Temple Festival" situated at East Street, Ittamoli, Tirunelveli District.

<https://hcservices.courts.gov.in/Services> Mr.K.P.Krishna Das, learned Government Advocate, 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 Government Advocate appearing for the respondents.

4. The learned counsel appearing for the petitioner would submit that the "Orchestra Music Show" to be held on 13.09.2016 at 07.00 pm to celebrate the festival of "Devi Sri Ittamoli Mutharamman Temple Festival" situated at East Street, Ittamoli, Tirunelveli District. He would further submit that the representation given to the 2nd respondent police was rejected vide the impugned order, dated 03.09.2016.

5. Today, the learned Government Advocate 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 the procession.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner will advise the participants 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 Government Advocate and undertaking given by the learned counsel for the petitioner, the writ petition is allowed and the impugned order is hereby quashed. The 2nd respondent police to accord permission to the petitioner and also police protection to perform the "Orchestra Music Show" to be held on 13.09.2016 to celebrate the festival of "Devi Sri Ittamoli Mutharamman Temple Festival" situated at East Street, Ittamoli, 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.



8. Consequently, connected Miscellaneous Petition is closed. No costs.

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/True copy/

Sd/-
Assistant Registrar (T&P)

Sub Assistant Registrar

To:

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

2. The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.

+1cc to M/s.P.R.Prithiviraj, Advocate SR.No.51331
+1cc to special Government Pleader SR.No.51462

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W.P. (MD) No.17023 of 2016
09.09.2016