



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.17044 of 2016

and

WMP(MD)No.12359 of 2016

S.Anthony Asari

... Petitioner

-vs-

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

2.The Deputy Superintendent of Police,  
Valliyoor Sub-Division,  
Tirunelveli District.

3.The Inspector of Police,  
Thisayanvilai 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 entire records pertaining to the communication made by the 3<sup>rd</sup> respondent, vide his letter, dated 06.09.2016 and quash the same and consequently, direct the respondents to grant permission and police protection for the eve of Innisai Katchery so as to conduct the same between 8.00 pm and 12.00 am on 14.09.2016 in connection with the temple festival of Arulmigu Sri Utchinimahali Amman, Sri Sudalai Andavar Thirukovil, Thisaiyanvilai, Tirunelveli District and pass such further orders.

For Petitioner : Mr.R.Anand

For Respondents : Mr.K.P.Krishna Das  
Government Advocate

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### O R D E R

The writ petition has been filed to quash the impugned order passed by the 3<sup>rd</sup> respondent, dated 06.09.2016 with the consequential direction to the respondents to grant permission and

necessary protection for the Innisai Katchery Programme scheduled on 14.09.2016 from 08.00 pm to 12.00 am, in connection with the temple festival of Arulmigu Sri Utchinimahali Amman, Sri Sudalai Andavar Thirukovil, Thisaiyanvilai, Tirunelveli District.

2. 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 Music 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 rejected by the 3<sup>rd</sup> respondent, vide the impugned order dated 06.09.2016 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 function is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this celebration and that they will co-operate for maintenance of law and order in the locality.

5. 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 for maintaining law and order and also to avoid any untoward incident during performance of such program.

6. Accordingly, in view of the submission made by the learned Government Advocate and recording the undertaking given by the petitioner, the Writ Petition is allowed and the impugned order is hereby quashed. The 3<sup>rd</sup> respondent police is directed to accord permission to the petitioner and also police protection to conduct the Innisai Katchery scheduled on 14.09.2016 in connection with the temple festival of Arulmigu Sri Utchinimahali Amman, Sri Sudalai Andavar Thirukovil, Thisaiyanvilai, Tirunelveli District, between 7.00 p.m., and 10.30 p.m., by incorporating the following conditions:

(a) Obscene dance / 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 dance or 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



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discrimination based on caste / community etc., and it shall be ensured that it is towards promoting communal harmony;

(f) the participants of the programme shall not intake any kind of intoxicating substance or liquor during the programme;

(g) In respect of untoward incident occurring, the organizers of the programme be responsible for the same;

(h) 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. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

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To:

1 The Superintendent of Police,  
Tirunelveli District,  
Tirunelveli.

2.The Deputy Superintendent of Police,  
Valliyoor Sub-Division,  
Tirunelveli District.

3.The Inspector of Police,  
Thisayanvilai Police Station,  
Tirunelveli District.

+1CC to Mr.R.Anand, Advocate Sr.No.51409

+1CC to Spl.Government Pleader Sr.No.51460

GJM/SKN/SAR(AE) -12.9.16-3p-6c

**W.P. (MD) No.17044 of 2016**  
**09.09.2016**