



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2016

CORAM

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.17127 of 2016

K.Subramanian

... Petitioner

vs.

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings dated 31.08.2016 of the second respondent and to quash the rejected portion of the *innisai katcheri* on 14.09.2016 same and consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e.) Innisai Katcheri on 14.09.2016 at 07.00 p.m. in the eve of Komanpudur Arulmigu Devi Sri Utchinimakali Amman Thirukovil at Komanpudur, Kayalpattinam, Thiruchendur Taluk, Thoothukudi District.

For Petitioner : Mr.N.Pragalathan
For Respondent : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

The writ petition has been filed seeking to quash the impugned order passed by the second respondent dated 31.08.2016 with the consequential direction to the second respondent to grant permission to the petitioner to conduct Innisai Katcheri (Musical Concert) between 07.00 p.m. on 14.09.2016 at the Kodai Vizha of "Komanpudur Arulmigu Devi Sri Utchinimakali Amman Thirukovil" at Komanpudur, Kayalpattinam, Thiruchendur Taluk, Thoothukudi District.



2.Mr.K.P.Krishna Doss, 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 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 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 Government Advocate appearing for the respondents would submit that the permission sought for by the petitioner has been rejected on the ground that there is likelihood of communal and law and order problem.

6.However, the rejection order dated 31.08.2016 did not disclose any specific reason. The order is very general in stating that there is likelihood of law and order problem.

7.Under such circumstances, the Writ Petition is allowed and the order of rejection dated 31.08.2016 is set aside. The second respondent is directed to accord permission to the petitioner to conduct **Innisai Katcheri (Musical Concert)** at the festival of "Komanpudur Arulmigu Devi Sri Utchinimakali Amman Thirukovil" at Komanpudur, Kayalpattinam, Thiruchendur Taluk, Thoothukudi District, scheduled to be held on 14.09.2016, 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



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

(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 (Records)

/True Copy/

Sub Assistant Registrar

PJL

To

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

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

+1CC to Mr.V.Pragalathan, Advocate Sr.No.51322

+1CC to Spl.Government Pleader Sr.No.51469

GJM/SKn/SAR(AE)-12.9.16-3p-5c

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