



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2016

CORAM

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P(MD)No.17996 of 2016

and

W.M.P.(MD)Nos.12971 and 12972 of 2016

Senthoorpandi

...Petitioner

-vs-

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

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

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.06/P1PS/2016, dated 16.09.2016, on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondent No.2 to give the permission for conducting Aadal Padal and Orchestra Programmes on 26.09.2016 and 28.09.2016 at 10.00 p.m. to 02.00a.m. and give adequate police protection for peaceful performance of temple festival scheduled to be conducted in the Arulmigu Sri Muppudathi Amman Temple situated at Tharukapuram, Puliyangudi, Tirunelveli District.

For Petitioner : Mr.K.Seemaraaj
For Respondents : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

The writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.06/P1PS/2016, dated 16.09.2016, on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondent No.2 to give the permission for conducting Aadal Padal and Orchestra Programmes on 26.09.2016 and 28.09.2016 at 10.00 p.m. to 02.00a.m. and give adequate police protection for peaceful performance of temple festival scheduled to be conducted in the Arulmigu Sri Muppudathi Amman Temple situated at Tharukapuram, Puliyangudi, Tirunelveli 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. The case of the petitioner is that he is one of the Tharmakartha of the Vizha Committee of Arulmigu Sri Muppudathi Amman Temple situated at Tharukapuram, Puliyangudi, Tirunelveli District and every year they are celebrating the festival in a peaceful manner. During the festival time, they are conducting Aadal Paadal Programme and Orchestra.



4. It is further averred in the affidavit that as usual they have decided to conduct the Temple Festival from 26.09.2016 to 28.09.2016 and Aadal Paadal Programme and Orchestra on 26.09.2016 and 28.09.2016. The petitioner has further stated that he has approached the respondent requesting to grant permission, which was rejected on the ground that there is possibility of law and order problem.

5. The learned counsel for the petitioner would submit that village people have been conducting the festival and cultural programmes for the past many years in a peaceful manner and no untoward incident had taken place so far. However, the respondent, without even giving opportunity to explain the fact, rejected the application, in violation of principles of natural justice.

6. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

7. It is not in dispute that the impugned order has been passed without providing opportunity to the petitioner and on that score, the impugned order is liable to be set aside and the same is set aside. The respondent shall consider the application of the petitioner dated 15.09.2016 afresh and pass orders within a period of one week from the date on which the order copy is made ready. Accordingly, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

8. It is for the respondent police to give permission to the petitioner to conduct Temple festival by considering the representation of the petitioner. In the event of granting permission, they shall incorporate 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 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.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,

Office of the Superintendent of Police,
Tirunelveli District.



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

+1cc to M/s.K.Seemaraj, Advocate in SR.54526

+1cc to the Special Government Pleader, in SR.54484

W.P (MD) No.17996 of 2016
21.09.2016

ssl

PBK/SK-SKN/SAR-III 22/09/2016 ::3P-5C:(IT)