



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.17998 of 2016

WEB COPY

S.Kuthalingam

... Petitioner

-vs-

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

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to grant permission to the petitioner to conduct "Musical Orchestra" on 26.09.2016 as part of the temple celebrations of Arulmighu Sri Mariamman Temple, Kalathimadam, Tirunelveli District.

For Petitioner : Mr.V.Sasikumar

For Respondent : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to grant permission to the petitioner to conduct "Musical Orchestra" on 26.09.2016 as part of the temple celebrations of Arulmighu Sri Mariamman Temple, Kalathimadam, Tirunelveli District.

2.Mr.K.P.Krishna Doss, learned Government Advocate, 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 Government Advocate appearing for the respondent.

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 respondent, but, however, the same was not considered by the respondents so far 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 unlawful incident on account of this celebration.



5. The learned Government Advocate appearing for the respondent, on instructions, would submit that there is a law and order problem in the above said place and a peace committee meeting is also conducted and hence, 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 programme.

6. Accordingly, in view of the submission made by the learned Government Advocate, the Writ Petition is disposed of with the direction to the respondent police to accord permission to the petitioner to conduct "Musical Orchestra" as part of the temple celebrations of Arulmighu Sri Mariamman Temple, Kalathimadam, Tirunelveli District scheduled to be held on 26.09.2016 between 07.00 p.m. to 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 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(Records)

/TRUE COPY/

Sub Assistant Registrar

To
The Sub-Inspector of Police,
Kadayam Police Station, Tirunelveli District.
+1cc to M/S.V.Sasikumar, Advocate in SR.No.54230
+1cc to Special Government Pleader in SR.No.54491

W.P(MD)No.17998 of 2016
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