



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.18019 of 2016

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R.Kizhakithumuthu

... 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 for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings dated 06.09.2016 of the second respondent and to quash the rejected portion of the Innisai Katcheri on 30.09.2016 and consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e) Innisai Katcheri on 30.09.2016 at 08.00 p.m. in the eve of Arumuganeri Melaveedu Sriramaswamy Thirukovil at Arumuganeri, Thiruchendur Taluk, Thoothukudi District.

For Petitioner : Mr.N.Pragalathan

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 relating to the impugned proceedings dated 06.09.2016 of the second respondent and to quash the rejected portion of the Innisai Katcheri on 30.09.2016 and consequently directing the respondents to grant permission and necessary protection to perform the cultural programme (i.e) Innisai Katcheri on 30.09.2016 at 08.00 p.m. in the eve of Arumuganeri Melaveedu Sriramaswamy Thirukovil at Arumuganeri, Thiruchendur Taluk, Thoothukudi 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.



Thirukovil and every year they are celebrating the temple festival in the month of Purattasi and during the festival time, they are conducting cultural programme.

4. It is further averred in the affidavit that as usual they have decided to conduct the Temple Festival from 28.09.2016 to 01.10.2016 and Innisai Katcheri on 30.09.2016. 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 06.09.2016 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.

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) 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 ensured that it is towards promoting communal harmony;

(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 (CS-I)

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Sub Assistant Registrar

To

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

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

+1cc to Special Government Pleader in SR.No.54490

+1cc to M/S.N.Pragalathan, Advocate in SR.No.54302

W.P (MD) No.18019 of 2016
21.09.2016

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