



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2016

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THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P(MD)No.18183 of 2016

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S.Muthu Vijaiyan

...Petitioner

-vs-

The Inspector of Police,
Thisaiyanvilai Police Station,
Radhapuram Taluk,
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 and police protection to the performance of Orchestra (Innisai Katcheri) to be conducted on 23.09.2016 at night by the villagers and this cultural program on the basis of petitioner representation, dated 20.09.2016 in connection with the devotees of Arulmigu Poorana Pushkala Devi Sametha Sree Piraviperumal Iyyan Temple, Anaigudi, Mudhumothanmozhi Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.M.Mahendran
For Respondent : Mr.K.P.Krishna Doss
Government Advocate

ORDER

The Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent to grant permission and police protection to the performance of Orchestra (Innisai Katcheri) to be conducted on 23.09.2016 at night by the villagers and this cultural program on the basis of petitioner representation, dated 20.09.2016 in connection with the devotees of Arulmigu Poorana Pushkala Devi Sametha Sree Piraviperumal Iyyan Temple, Anaigudi, Mudhumothanmozhi Village, Radhapuram Taluk, 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 respondent 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 untoward incident on account of this celebration.

5.The learned Government Advocate appearing for the respondent, on instructions, would submit that the permission sought for by the respondent 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 Orchestra (Innisai Katcheri) on account of Arulmigu Poorana Pushkala Devi Sametha Sree Piraviperumal Iyyan Temple, Anaigudi, Mudhumothanmozhi Village, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 23.09.2016, between 07.00 p.m. to 11.00 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 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(AE)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

The Inspector of Police, Thisaiyanvilai Police Station,
Radhapuram Taluk, Tirunelveli District.

+1cc to M/s.M.Mahendran, Advocate in SR.54842

+1cc to the Special Government Pleader, in SR.54983

W.P(MD) No.18183 of 2016
22.09.2016

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