



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.18211 of 2016

S.Nainar Pandian

...Petitioner

vs.

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

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

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of certiorarified Mandamus, calling for the records relating to the impugned Proceedings dated 19.09.2016 of the 2nd Respondent and to quash the rejected portion of the Innisai Katcheri on 26.09.2016 at 07.00 p.m. and Innisai Katcheri on 27.09.2016 at 07.00 p.m. and consequently directing the Respondents to grant permission and necessary protection to perform the cultural programme (i.e.,) Innisai Katcheri on 26.09.2016 at 07.00 pm and Innisai Katcheri on 27.09.2016 at 07.00 pm in the Eve of Nalumavadi Arulmighu Sri Pathakara Swamy Kovil at East Nalumavadi, Kurumbur, Tiruchendur 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 seeking to quash the impugned order passed by the second respondent dated 19.09.2016 with the consequential direction to the second respondent to grant permission to the petitioner to conduct Innisai Katcheri on 26.09.2016 at 07.00 p.m. and on 27.09.2016 at 07.00 p.m. in the Eve of Nalumavadi Arulmighu Sri Pathakara Swamy Kovil at East Nalumavadi, Kurumbur, Tiruchendur 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 without giving an opportunity to the petitioner to explain the fact, 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 19.09.2016 did not disclose any specific reason. The order is very general in stating that there is likelihood of law and order problem.

7. It is not in dispute that the impugned order has been passed without providing opportunity to the petitioner and on that ground, the impugned order is set aside. The second respondent shall consider the application of the petitioner dated 19.09.2016 afresh and pass orders on merits and in accordance with law *forthwith*, as the programme is scheduled to be held on 26.09.2016 and 27.09.2016. Accordingly, this Writ Petition is allowed.

8. It is for the respondent police to give permission to the petitioner to conduct *Innisai Katcheri* 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 the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance.



No Costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

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Sub Assistant Registrar (CS)

To

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

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

+1cc to M/s.N.Pragalathan, Advocate in SR.54822

+1cc to the Special Government Pleader, in SR.54978

W.P (MD) No.18211 of 2016
22.09.2016

pjl

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