



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

W.P(MD)No.18540 of 2016

S.Muthumari Ganesan

... Petitioner

vs.

1.The Superintendent of Police,
Tirunelveli District at Palayamkottai.

2. The Inspector of Police,
Surandai,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents to give permission to conduct Music Orchestra programme to be held on 01.10.2016 during the festival of Arulmigu Sree Kalamman Temple, Achangkuttam Tirunelveli District, between 9 PM to 3 AM.

For Petitioner : Mr.S.Xavier Rajini

For Respondent : Mr.K.P.Krishna Doss
Government AdvocateO R D E R

The writ petition has been filed seeking direction to the respondent police to grant permission and necessary protection to perform the cultural programme (i.e.,) directing the Respondents to give permission to conduct Music Orchestra programme to be held on 01.10.2016 during the festival of Arulmigu Sree Kalamman Temple, Achangkuttam 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. 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 respondent, but, however, the same was not considered so far and hence, the petitioner is before this Court with this writ petition. The learned counsel appearing for the petitioner would 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 Additional Government Pleader appearing for the respondent, on instructions, would submit that 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 Additional Government Pleader, the Writ Petition is disposed of with the direction to the respondent police to accord permission to the petitioner to conduct Musical Orchestra during the festival of Arulmigu Sree Kaliasman Temple, Achankuttam Tirunelveli District, scheduled to be held on 01.10.2016, between 07.00 p.m., and 10.30 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

To

1.The Superintendent of Police,
Tirunelveli District at Palayamkottai.

2. The Inspector of Police,
Surandai, Tirunelveli District.

+1cc to M/s.S.Xavier Rajini, Advocate SR.No.56185

+1cc to Special Government Pleader SR.No.56429

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