



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2016

CORAM

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P(MD)No.18551 of 2016

WEB COPY

A.Jayaganesan

... Petitioner

vs.

State rep by its
The Inspector of Police,
Vasudevanallur Police Station,
Tirunelveli District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of impugned order of the respondent in respect of the Innisai Kacheri and Aadal Padal in pursuance to the Purattaci Festival of the Arulmigu Krishnar-Bhama-Rukumani Temple dated 12.09.2016 and quash the same and further directing the respondent to grant permission to conduct the Innisai Kacheri and Aadal Padal dance program on 07.10.2016 and 09.10.2016 from 07.00 pm to 10.00 pm in pursuance to the Purattaci Festival of the Arulmigu Krishnar-Bhama-Rukumani Temple, situated at Ramanathapuram Village, Sivagiri Taluk, Tirunelveli District.

For Petitioner : Mr.N.Balasubramanian

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 Certiorarified Mandamus to quash the impugned order passed by the respondent dated 12.09.2016 and for consequential direction to the respondent police to grant permission to conduct Innisai Kacheri and Aadal Padal dance program on 07.10.2016 and 09.10.2016 during the festival of Arulmigu Krishnar-Bhama-Rukumani Temple, situated at Ramanathapuram Village, Sivagiri 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 case of the petitioner is that every year Innisai Kacheri and Adal Padal is being conducted by the villagers regularly in order to promote harmony among public; that a representation was given to the second respondent, however, the same was rejected without giving an opportunity 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 programme is conducted in a peaceful manner by the villagers, there will be no untoward incident on account of this programme.

5. The learned Government Advocate appearing for the respondent 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 passed by the respondent police 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 respondent police shall consider the application of the petitioner dated 12.09.2016 afresh and pass orders **forthwith** on merits and in accordance with law, as the said programme is scheduled to be held on 07.10.2016 and 09.10.2016. Accordingly, this Writ Petition is allowed.

8. It is for the respondent police to give permission to the petitioner to conduct "Innisai Kacheri" and "Adal Padal" programme 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 imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance.

Sd/

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

The Inspector of Police,
Vasudevanallur Police Station,
Tirunelveli District.

+1cc to M/S.B.Baskar, Advocate in SR.No.56334

+1cc to Special Government Pleader in SR.No.56422

W.P(MD)No.18551 of 2016

27.09.2016

PJL

PA/SS-3/SAR III/30.09.2016/3P/4C