



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.18571 of 2016

R.Chandrasekaran

... Petitioner

vs.

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

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent dated 22.09.2016 in Na.Ka.No.09/PIPS/2016 and quash the same consequently direct the respondent to grant permission and protection to conduct Musical Orchestra in the eve of Arulmigu Sri Ganga Parameshwari Amman Thirukovil Perunkodai Vizha, Puliyangudi, Tirunelveli District, to be held on 02.10.2016 from 7.00 pm to 11.00 pm.

For Petitioner : Mr.V.Sasikumar

For Respondent : 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 respondent dated 22.09.2016 with the consequential direction to the respondent to grant permission to the petitioner to conduct Innisai Katcheri on 02.10.2016 in the eve of Arulmigu Sri Ganga Parameshwari Amman Thirukovil Perunkodai Vizha, Puliyangudi, 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 Katcheri is being conducted by the villagers regularly in order to promote harmony among public; that a representation was given to the respondent, but, 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 law and order problem.

6.However, the rejection order of the respondent 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 22.09.2016 afresh and pass orders **forthwith** on merits and in accordance with law, as the said programme is scheduled to be held on **02.10.2016**. Accordingly, this Writ Petition is allowed.

8. It is for the respondent police to give permission to the petitioner to conduct "Innisai Katcheri (Musical Concert)" 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.

No Costs.

Sd/

Assistant Registrar(RTI)



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To

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

+1cc to M/S.V.Sasikumar, Advocate in SR.No.56186
+1cc to Special Government Pleader in SR.No.56618

W.P (MD) No.18571 of 2016
27.09.2016

PJL
PA/AAL-MPA/SAR II/29.09.2016/3P/4C