



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.09.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.18573 of 2016

K.Barvin

.. Petitioner

Vs.

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

2.The Inspector of Police,
Tiruchendur Taluk Police Station,
Tiruchendur,
Thoothukudi District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to grant permission to conduct Orchestra Programme on 08.10.2016 from 9.00 p.m. to 11.00 p.m, at 'Athisaya Arockia Annai Thiruthalam' Arumuganeri Village, Thoothukudi District, in pursuance of the petitioner's representation dated 21.09.2016.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.K.P.Krishna Doss

Government Advocate (Crl. Side)

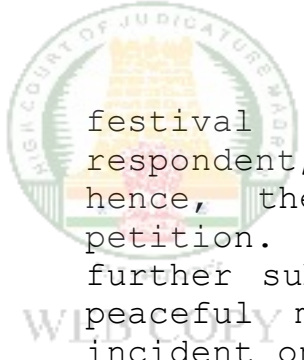
O R D E R

The writ petition has been filed seeking direction to the 2nd respondent police to permit the petitioner to conduct Orchestra Programme (Musical Concert) on 08.10.2016 from 9.00 p.m. to 11.00 p.m, at 'Athisaya Arockia Annai Thiruthalam' Arumuganeri Village, Thoothukudi District, in pursuance of the petitioner's representation dated 21.09.2016.

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.

<https://hcservices.ecourts.gov.in/hcservices/> 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 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 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 'Athisaya Arockia Annai Thiruthalam' Arumuganeri Village, Thoothukudi District, scheduled to be held on 08.10.2016, 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(CS II)

/True copy/



To

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

2.The Inspector of Police,
Tiruchendur Taluk Police Station,
Tiruchendur,
Thoothukudi District.

+lcc to Mr.S.Palanivelayutham, Advocate SR.No.56879
+lcc to special Government Pleader SR.No.56671

pjl

sm:SK-SKN:SAR III:30/09/2016:3P/5C

W.P (MD) No.18573 of 2016