



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.18863 of 2016

Durairaj

... Petitioner

-vs-

The State represented by

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the Respondent vide proceedings in Na.Ka.No.10/PlPS/2016 dated 27.09.2016 and quash the same as illegal and consequently direct the Respondent to grant permission to the petitioner for conducting 'Innisai katcheri (Music Programme) on 01.10.2016 from 6.00 p.m., to 10.00 p.m., in the light of Sri Mariyamman Temple, Thiruvizha at Puliyangudi, Sivakiri Taluk, Tirunelveli District.

For Petitioner : Mr.G.Karuppasamy Pandian
For Respondents : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

The writ petition has been filed to quash the impugned order passed by the respondent dated 27.09.2016 with the consequential direction to Respondent to grant permission to the petitioner for conducting 'Innisai katcheri (Music Programme) on 01.10.2016 from 6.00 p.m., to 10.00 p.m., in the light of Sri Mariyamman Temple, Thiruvizha at Puliyangudi, Sivakiri 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 learned counsel appearing for the petitioner would submit that the Innisai Katcheri (Music Programme) is being conducted regularly in order to promote harmony during the above period. He would further submit that the representation given to the respondent was rejected vide the impugned order dated 27.09.2016.



5. Today, the learned Government Advocate appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner may be granted with appropriate and stringent conditions so as to prevent disturbance to the public tranquility and also to avoid any untoward incident during performance of such programme.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner will advise the participants not to cause any hindrance to the law and order so as to avoid untoward incident. The said submission is recorded.

7. Accordingly, in view of the submission made by the learned Additional Government Pleader and undertaking given by the learned counsel for the petitioner, the writ petition is allowed and the impugned order is hereby quashed. The respondent police is directed to accord permission to the petitioner to conduct *Innisai Katcheri (Music Programme)* on 01.10.2016 from 06.00 p.m to 10.00 p.m at Sri Mariyamman Temple, Thiruvizha at Puliyangudi, Sivakiri Taluk, Tirunelveli District, by duly incorporating the following conditions:

(a) 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 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) In respect of untoward incident occurring, the organizers of the programme be responsible for the same;

(g) 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(W)

/True Copy/

Sub-Assistant Registrar

To

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

2.The Additional Government Pleader,

Madurai Bench of Madras High Court, Madurai

+One cc to Mr.G.Karuppasamy Pandian, Advocate, SR.No.56929