



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2016

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THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P(MD)No.19016 of 2016
and W.M.P(MD)Nos.13747 & 13748 of 2016

Karuthapandi

... Petitioner

-vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

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

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.11/P1PS/2016, dated 28.09.2016 on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondent No.2 to give the permission for conducting Devotional Village Cultural programme on 30.09.2016, Villisai Programme on 01.10.2016, Karakattam Programme on 02.10.2016, Orchestra Programme on 03.10.2016 and Karakattam Programme on 04.10.2016 and give adequate police protection for peaceful performance of Temple Festival scheduled to be conducted in the Arulmigu Sri Muppudathi Amman Temple situated at Malaiyadikurichi Village, Puliyangudi Post, Tirunelveli District.

For Petitioner : Mr.K.Seemaraj
For Respondents : Mr.K.P.Krishna Doss
Government Advocate

ORDER

The Writ Petition has been filed to quash the impugned order passed by the second respondent, dated 28.09.2016 with the consequential direction to the respondents to grant permission for conducting Devotional Village Cultural programme on 30.09.2016, Villisai Programme on 01.10.2016, Karakattam Programme on 02.10.2016, Orchestra Programme on 03.10.2016 and Karakattam Programme on 04.10.2016 and give adequate police protection for

peaceful performance of Temple Festival scheduled to be conducted in the Arulmigu Sri Muppudathi Amman Temple situated at Malaiyadikurichi Village, Puliyangudi Post, 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 respondents.

4.The case of the petitioner is that every year 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, 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 festival is conducted in a peaceful manner by the villagers, there will be no untoward incident on account of this festival.

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 28.09.2016 afresh and pass orders forthwith on merits and in accordance with law, as the said programme is scheduled to be held on 30.09.2016, 01.10.2016, 02.10.2016, 03.10.2016 and 04.10.2016. Accordingly, this Writ Petition is allowed.

8. It is for the respondent police to give permission to the petitioner to conduct "cultural programmes" 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 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.

No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

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

+1CC to Mr.K.Seemaraj, Advocate Sr.No.57505

+1CC to Spl.Government Pleader Sr.No.57926

GJM/SS2/SAR-II-4.10.2016-3p-5C

W.P(MD)No.19016 of 2016
30.09.2016