



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2016

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P (MD) No.19045 of 2016

A.Sivakumar

... Petitioner

-vs-

The Sub Inspector of Police,
Pavoorchatram 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 to call for the records pertaining to the impugned order passed by the respondent in his proceedings "Nil" dated 28.09.2016 and quash the same as illegal, consequently, directing the respondent to permit the petitioner to conduct "Orchestra Musical Program" during the festival in Muppudathi Amman Temple, Keelapavoor, Tirunelveli District on 01.10.2016.

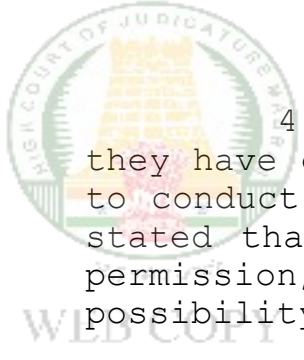
For Petitioner : Mr.P.Mani Anandh
For Respondent : Mr.K.P.Krishna Doss
Government Advocate

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 in his proceedings "Nil" dated 28.09.2016 and for consequential direction to the respondent to permit the petitioner to conduct "Orchestra Musical Program" during the festival in Muppudathi Amman Temple, Keelapavoor, Tirunelveli District on 01.10.2016.

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. The case of the petitioner is that he is residing along with his family in the locality, where, Muppudathi Amman Temple is situated and every year, they are celebrating the festival in a peaceful manner. During the festival time, they are conducting various cultural programmes such as Draml, Aadal
Bevered, Oliyum, Orchestra and Cinema.



4. It is further averred in the affidavit that as usual they have decided to conduct the Temple Festival on 01.10.2016 and to conduct "Orchestra Musical Program". The petitioner has further stated that he has approached the respondent requesting to grant permission, which was rejected on the ground that there is possibility of law and order problem.

5. Mr.P.Mani Anandh, learned counsel for the petitioner would submit that village people have been conducting the festival and cultural programmes for many years in a peaceful manner and no untoward incident had taken place so far. However, the respondent, without even giving opportunity to explain the fact, rejected the application, in violation of principles of natural justice.

6. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent and perused the materials available on record.

7. It is not in dispute that the impugned order has been passed without providing opportunity to the petitioner and on that score, the impugned order is liable to be set aside and the same is set aside. The respondent shall consider the application of the petitioner dated 28.09.2016 afresh and pass orders forthwith. Accordingly, this Writ Petition is allowed. No costs.

8. It is for the respondent police to give permission to the petitioner to conduct Temple festival 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;

<https://hcservices.ecourts.gov.in/hcservices/> 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.

WEB COPY

/True copy/

Sd/-
Assistant Registrar(T&P)

Sub Assistant Registrar

To

1.The Sub Inspector of Police,
Pavoorchatram Police Station,Tirunelveli District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.P.Mani Anandh, Advocate Sr.No.57583

CM

sm:Sk-Skn:30/09/2016:3P/4C

W.P (MD) No.19045 of 2016