



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.19150 of 2016

and

W.M.P. (MD).Nos.13824 and 13825 of 2016

C.Virumandi

...Petitioner

-vs-

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

2.The Inspector of Police,
Checkarurani Police Station,
Checkarurani,
Madurai District.

3.The Sub Inspector of Police,
Vikramangalam Police Station,
Vikramangalam,
Madurai District.

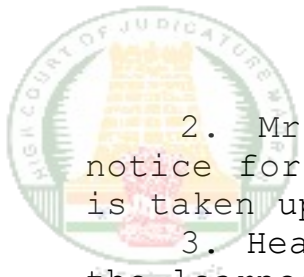
...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the 2nd respondent dated nil and quash the same and consequently direct the respondents to grant permission to the cultural events in 'Valli Thirumana Drama' on 07.10.2016 and 'Mahamaiyee Karuppasamy Drama' on 08.10.2016 in Chockan Kovil Patti Village Arulmigu Chockan Karuppasamy Temple Festival and to give police protection during the festival sessions to be performed from 07.10.2016 to 08.10.2016 and to pass any other further or other orders as this Court.

For Petitioner : Mr.V.Muthukumatchi
For Respondent : 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 nil with the consequential direction to the respondents to grant permission and protection for 'Valli Thirumana Drama' on 07.10.2016 and 'Mahamaiyee Karuppasamy Drama' on 08.10.2016 in Chockan Kovil Patti Village Arulmigu Chockan Karuppasamy Temple Festival and to give police protection during the festival sessions to be performed from 07.10.2016 to 08.10.2016.



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. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. The learned counsel appearing for the petitioner would submit that the "Valli Thirumanam" and "Mahamaiyee Karuppasamy Drama" is being conducted regularly in order to promote harmony during the above said festival period. He would further submit that the representation given to the respondent was rejected and the impugned order was passed by the second respondent police, without giving an opportunity to the petitioner to explain the fact. 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 Government Advocate appearing for the respondents 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 dated nil 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 23.09.2016 afresh and pass orders forthwith on merits and in accordance with law, as the said programme is scheduled to be held on 07.10.2016 and 08.10.2016 in connection with Chockan Kovil Patti Village Arulmigu Chockan Karuppasamy Temple Festival . Accordingly, this Writ Petition is allowed. No Costs.

8. It is for the respondent police to give permission to the petitioner to conduct "Valli Thirumanam" and "Mahamaiyee Karuppasamy Drama" 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;

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.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

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

2.The Inspector of Police,
Checkarurani Police Station,
Checkarurani, Madurai District.

3.The Sub Inspector of Police,
Vikramangalam Police Station,
Vikramangalam, Madurai District.

+1cc to M/s.V.Muthukamatchi, Advocate in SR.58223

+1cc to the Special Government Pleader, in SR.58566

W.P(MD)No.19150 of 2016
and connected WMP's
04.10.2016

pjl

PBK/GSV-PM/SAR-III 04/10/2016 ::3P-6C:(IT)