



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.10.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.19395 of 2016

A.S.Balakrishnan

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant permission and necessary protection to perform the Village cultural programme i.e. Senda Melam on 21.10.2016 at 09.00 a.m. to 12.00 p.m. and 12.00 a.m. in the eve of "Arulmighu Suyambulingaswamy - Esakkiamman Thirukovil Kodai Vizha at Kuruvankottai Alagulam Taluk, Tirunelveli District by considering the Petitioners representation, dated 01.10.2016.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.K.P.Krishna Doss

ORDER

The writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to grant permission and necessary protection to perform the Village cultural programme i.e. Senda Melam on 21.10.2016 at 09.00 a.m. to 12.00 p.m. and 12.00 a.m. in the eve of "Arulmighu Suyambulingaswamy - Esakkiamman Thirukovil Kodai Vizha at Kuruvankottai Alagulam Taluk, Tirunelveli District by considering the Petitioners representation, dated 01.10.2016.

2. Mr.K.P.Krishna Doss, learned Government Advocate, takes notice for the respondents. By consent, the writ petition 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 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 respondents, but, however, the same was not considered by the respondent police 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 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 for maintaining law and order and also to avoid any untoward incident during performance of such programme.

6. In view of the submission made by the learned Government Advocate, the Writ Petition is disposed of with the direction to the respondent police to accord permission to the petitioner to conduct "Adal Padal" Programme in connection with the temple festival of Arulmighu Suyambulingaswamy - Esakkiamman Thirukovil at Kuruvankottai Alagulam Taluk, Tirunelveli District scheduled to be held on 21.10.2016 at 09.00 a.m. to 12.00 p.m. and 12.00 a.m. by incorporating 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;



(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 (CS-II)

/True copy/

Sub Assistant Registrar

To

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

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

+1cc to M/S.J.ASHOK, ADVOCATE, SR NO: 59991

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 59873

akv

JA-SKS-RR-SAR.2/18.10.2016-3P:5C

W.P(MD)No.19395 of 2016
06.10.2016