



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2016

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THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P(MD)No.19631 of 2016

S.Murugaiya Konar

... Petitioner

-vs-

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

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

... Respondents

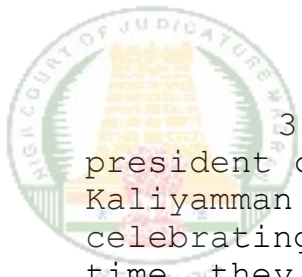
Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamusto call for the records of the 2nd respondents impugned order No.C.No.6/H4PS/2016 dated 30.09.2016'and quash the same and consequently direct the 2nd respondent to give permission and police protection for the event of Orchestra program to be scheduled on 18.10.2016 at about 10pm at the temple festival of Sri Kaliyamman Temple Keelakalangal within the period stipulated by this court.

For Petitioner : Mr.M.Mohamed Sherbudeen
For Respondents : Mr.K.P.Krishna Doss
Government Advocate

ORDER

The writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records the second respondents impugned order No.C.No.6/H4PS/2016 dated 30.09.2016'and quash the same and consequently direct the second respondent to give permission and police protection for the event of Orchestra program to be scheduled on 18.10.2016 at about 10pm at the temple festival of Sri Kaliyamman Temple Keelakalangal within the period stipulated by this court.

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 the petitioner is the president of Konar community people and they are having a temple Sri Kaliyamman Temple in their Village and every year they are celebrating the festival in a peaceful manner. During the festival time, they are conducting Orchestra Programme.

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4. It is further averred in the affidavit that as usual they have decided to conduct the Temple Festival and Orchestra programme on 18.10.2016. 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. The learned counsel for the petitioner would submit that village people have been conducting the festival and cultural programmes for the past 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 respondents 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 22.09.2016 afresh and pass orders within a period of one week from the date on which the order copy is made ready. 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/>

(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.

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Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police,
Oothumalai Police Station,
Oothumalai,
Tirunelveli District.

+ 1 CC TO Mr.M.MOHAMED SHERBUDEEN, ADVOCATE IN SR No. 60094
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 60540

SSL

TE/GSV-PM/SAR-I : 07/10/2016 : 3P/5C (IT)

W.P (MD) No.19631 of 2016
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