



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.19742 of 2016

and

W.M.P(MD)No.14235 of 2016

V.Paneerdurai

... Petitioner

vs.

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

2.The Inspector of Police,
Thisayanvilai 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 calling for the records relating to the Impugned Order dated 06.10.2016 of the 2nd Respondent and to quash the same, consequently directing the 2nd Respondent to grant permission and necessary protection to perform the cultural programme (ie.,) Innisai Katcheri on 12.10.2016 at 09.00 p.m. in the eve of Sri Mutharamman Kovil , Appuvilai, Tirunelveli District.

For Petitioner : Mr.J.Ashok
For Respondents : 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 second respondent dated 06.10.2016 and for consequential direction to the second respondent to grant permission and necessary protection to perform the cultural programme, i.e., Innisai Katcheri on 12.10.2016 at 09.00 p.m. in the eve of Sri Mutharamman Kovil, Appuvilai, Tirunelveli District.

2.Mr.K.P.Krishna Doss, learned Government Advocate, takes notice for the respondents. By consent, the writ petition itself is 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 cultural programme, i.e., Innisai Katcheri 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 cultural programme, i.e., Innisai Katcheri is conducted in a peaceful manner by the villagers, there will be no untoward incident on account of this cultural programme, i.e., Innisai Katcheri.

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 communal and law and order problem.

6.However, the rejection order dated 06.10.2016 did not disclose any specific reason. The order is very general in stating that there is likelihood of law and order problem.

7.Under such circumstances, the Writ Petition is allowed and the order of rejection dated 06.10.2016 is set aside. The second respondent police is directed to accord permission to the petitioner to conduct cultural programme, i.e., Innisai Katcheri at the festival of Sri Mutharamman Kovil, Appuvilai, Tirunelveli District, scheduled to be held on 12.10.2016 from 07.00 to 11.00 pm, 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;

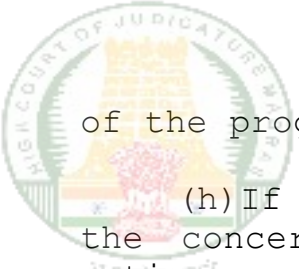
(c)No dance or songs, touching upon the conduct of any political party or community or caste be played;

(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 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 Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

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

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

+1cc to Mr.J.ASHOK,Advocate Sr.No. 60280

JAM/07.10.16/CK/SAR I/3P-4C

ORDER MADE IN
W.P (MD) No.19742 of 2016
and
W.M.P (MD) No.14235 of 2016
07.10.2016