



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.20445 of 2016

E.Sakthivel

...Petitioner

-vs-

The Inspector of Police,
Uthumalai Police Station,
Uthumalai, Tirunelveli District.

...Respondent

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 of the respondent, by his impugned order in C.No.11/H4PS/2016, dated 19.10.2016 and quash the same and consequently, direct the respondent to grant permission and protection for conduct "Orchestra" on 24th October 2016 at night in Sri Ramar Temple, Solaiseri Village, Veerakeralampudur Taluk, Tirunelveli District, based on the petitioner's representation, dated 18.10.2016.

For Petitioner : Mr.K.Esakki
For Respondent : Mr.K.P.Krishna Das
Government Advocate

O R D E R

The writ petition has been filed to quash the impugned order passed by the respondent, dated 19.10.2016 with the consequential direction to the respondent to grant permission and necessary protection for the conduct of Orchestra Programme scheduled on 24.10.2016 at night, in connection with the temple festival of Sri Ramar Temple, Solaiseri Village, Veerakeralampudur Taluk, Tirunelveli District.

2.Mr.K.P.Krishna Das, learned Government Advocate takes notice for the respondent. 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 respondent.

4.The learned counsel appearing for the petitioner would submit that the Music 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 respondent, but, however, the same was rejected by the respondent, vide the impugned order dated 19.10.2016 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 function is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this

celebration and that they will co-operate for maintenance of law and order in the locality.

5. The learned Government Advocate appearing for the respondent, 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 program.

6. Accordingly, in view of the submission made by the learned Government Advocate and recording the undertaking given by the petitioner, the Writ Petition is allowed and the impugned order is hereby quashed. The respondent police is directed to accord permission to the petitioner and also police protection to conduct the Orchestra scheduled on 24.10.2016 in connection with the temple festival of Sri Ramar Temple, Solaiseri Village, Tirunelveli District, between 7.00 p.m and 11.00 p.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. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

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

To:

The Inspector of Police, Uthumalai Police Station,
Uthumalai, Tirunelveli District.

+1cc to M/s.K.Easakki, Advocate in SR.62670

W.P. (MD) No.20445 of 2016
21.10.2016