



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.10.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD)No.20447 of 2016

M.Sangaiah

.. Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Alangulam, Tirunelveli District.

3.The Inspector of Police,
Uthumalai Police Station,
V.K.Pudur Taluk,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified mandamus to call for the records pertaining to the order passed by the 3rd respondent in C.No.10/H4PS/2016 dated 18.10.2016 as per the order of the 1st and 2nd respondents and quash the same and consequently direct the respondents to grant permission to perform the music programme (Innisai Katcheri) to be conducted on 31.10.2016 in connection with the festival of Sri Vadakasi Amman Koil Kodai Vizha festival situated at Keela Kalangal village, V.K.Pudur Taluk, Tirunelveli District.

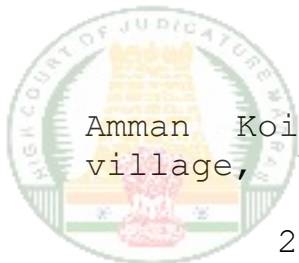
For Petitioner : Mr.H.Thayumanaswamy

For Respondents : Mr.K.P.Krishna Doss

Government Advocate (Crl. Side)

O R D E R

The writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the impugned order passed by the third Respondent by an order dated 18.10.2016 and quash the same and consequently direct the respondents to grant permission to perform the music programme (Innisai Katcheri) to be conducted on 31.10.2016 in connection with the festival of Sri Vadakasi



Amman Koil Kodai Vizha festival situated at Keela Kalangal village, V.K.Pudur Taluk, Tirunelveli District.

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. According to the petitioner, he is one of the residents of the Keela Kalangal village, V.K.Pudur Taluk, Tirunelveli District and there is a temple namely Sri Vadakasi Amman Koil. The village people have decided to conduct the Kodai Vizha festival along with Innisai Katcheri in the said temple on 31.10.2016. The petitioner would further submitted that he gave an application to the third respondent on 18.10.2016, seeking permission for the Innisai Katcheri programme on 31.10.2016. However, the third respondent rejected the application. Hence, the petitioner is before this Court with this writ petition.

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 18.10.2016 did not disclose any specific reason. The order is very general in stating that there is likelihood of law and order problem.

7. 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 third respondent police shall consider the application of the petitioner dated 18.10.2016 afresh and pass orders forthwith on merits and in accordance with law, as the Innisai Katcheri programme is scheduled to be held on 31.10.2016. Accordingly, this Writ Petition is allowed.

8. It is for the third respondent police to give permission to the petitioner to conduct " Innisai Katcheri" programme 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 obscene 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 (CO)

/True Copy/

Sub Assistant Registrar

VS

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Alangulam, Tirunelveli District.
3. The Inspector of Police,
Uthumalai Police Station,
V.K.Pudur Taluk,
Tirunelveli District.

+1CC to Mr.H.Thayumanaswamy, Advocate Sr.No.62875

+1CC to Spl.Government Pleader Sr.No.63038

GJM/KM/SAR-I-26.10.16-3p-6C

W.P (MD) No.20447 of 2016
24.10.2016