



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.10.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAMW.P(MD)No.20481 of 2016

Kuthalingam

.. Petitioner

Vs.

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

2. The Sub Inspector of Police,
Pavoor Chatram Police Station,
Pavoor Chatram,
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 of the 2nd respondent endorsed in the petitioner's representation dated 14.10.2016 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 31.10.2016 and 01.11.2016 at the Arulmigu Periyamma Temple, Nadakkan Patti, Mela Ariyapuram, Tenkasi Taluk, Tirunelveli District within the period stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Mohamed Sherbuddin
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 2nd Respondent by an order dated 14.10.2016 and quash the same in relation to the rejection of permission for performing Orchestra program on 31.10.2016 and 01.11.2016 at Arulmigu Periyamma Temple, Nadakkan Patti, Mela Ariyapuram, Tenkasi Taluk, Tirunelveli District, and consequently direct the respondents to grant permission and police protection for the Orchestra Program on the said dates.

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.

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4. According to the petitioner, he is one of the residents of the Nadakkan Patti Village, Mela Ariyapuram, Tenkasi Taluk, Tirunelveli District and he is also the Festival Organizer of the Arulmigu Periyamma Temple, Nadakkan Patti, Mela Ariyapuram. The village people are celebrating the festival in the said temple every year in a peaceful manner. Likewise, they decided to conduct the festival this year also from 31.10.2016 to 01.11.2016. Further, they decided to conduct Orchestra programme from 31.10.2016 to 01.11.2016. The petitioner would further submitted that he gave an application to the second respondent on 14.10.2016, seeking permission and for adequate police protection for the festival as well as for conducting the Orchestra from 31.10.2016 to 01.11.2016. However, the respondents rejected the application to conduct Orchestra and provide police protection at the time of conducting programme. 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 14.10.2016 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 second respondent police shall consider the application of the petitioner dated 14.10.2016 afresh and pass orders forthwith on merits and in accordance with law, as the said programme is scheduled to be held from 31.10.2016 to 01.11.2016. Accordingly, this Writ Petition is allowed.

8. It is for the 2nd respondent police to give permission to the petitioner to conduct "Orchestra" programme by considering the representation of the petitioner. In the event of granting permission, they shall incorporate the following conditions:-

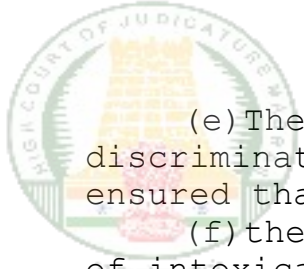
(a) Obscene dance / songs / vulgar dialogues should be avoided during the programme;

(b) Songs conveying obscene double meaning should not be played in order to avoid awkwardness;

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

<https://hcservices.ecourts.gov.in/hcservices/>

(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

To

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

2. The Sub Inspector of Police,
Pavoor Chatram Police Station,
Pavoor Chatram,
Tirunelveli District.

+ 1 CC TO M/S.M.MOHAMED SHERBUDEEN, ADVOCATE IN SR No. 62997

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 63034

VS

TE/SS-2/SAR-III : 25/10/2016 : 3P/5C (IT)

W.P (MD) No.20481 of 2016
24.10.2016