



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.10.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.20848 of 2016

V.Muthusamy

.. Petitioner

vs.

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

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent to permit the petitioner for conducting the "Music Concert Programme" function on 31.10.2016 from 7.00 p.m. to 12.00 p.m. on the event of Palapathiraramapuram Sri Vadakasiamman Kovil festival at Amman Kovil Street, Palapathiraramapuram, V.K.Puthur Taluk, Tirunelveli District.

For Petitioner : Mr.K.Veilmuthu

For Respondent : 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 Mandamus, to direct the respondent to permit the petitioner for conducting the "Music Concert Programme" function on 31.10.2016 from 7.00 p.m. to 12.00 p.m. on the event of Palapathiraramapuram Sri Vadakasiamman Kovil festival at Amman Kovil Street, Palapathiraramapuram, V.K.Puthur 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. The learned counsel appearing for the petitioner would submit that the 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 not considered by the respondent so far 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 festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this celebration. He further submitted that instead of 31.10.2016, the petitioner is ready to conduct the programme on 01.11.2016.

5.The learned Government Advocate appearing for the respondents, 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 programme and he has no objection to conduct the programme on 01.11.2016.

6. Accordingly, in view of the submission made by the learned Government Advocate, the Writ Petition is disposed of with the direction to the respondent police to accord permission to the petitioner to conduct "Music Concert " Programme in connection with Palapathiraramapuram Sri Vadakasiyamman Kovil festival at Amman Kovil Street, Palapathiraramapuram, V.K.Puthur Taluk, Tirunelveli District, scheduled to be held on 01.11.2016 between 07.00 p.m. to 11.00 p.m. by incorporating the following conditions:-

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

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

(c) No flex boards in support of any political party or religious leader be erected;

(d) 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;

(d) the participants of the programme shall not intake any kind of intoxicating substance or liquor during the programme;

(f) In respect of untoward incident occurring, the organizers of the programme be responsible for the same;

(g) 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.

Sd/-

Assistant Registrar(CS_II)

/True Copy/

Sub-Assistant Registrar

PJL

To

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

+One cc to Mr.K.Veilmuthu, Advocate Sr.No.63832

+One cc to The special Government Pleader, SR.No.64172

GJM/SS2/SARIII/26.10.2016-2p-4C