



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2016

CORAM

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.20939 of 2016

S.Suresh Viswanath

... Petitioner

vs.

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent's order in C.No.11/H4PS/2016 dated 25.10.2016 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 in Sri Amman Temple Kodai Festival, Melakkalangal, Tirunelveli District by considering the petitioner's representation dated 25.10.2016 within the period stipulated by this Court.

For Petitioner : Mr.M.Mohamed Sherbudeen
For Respondents : Mr.K.P.Krishna Doss
Government Advocate

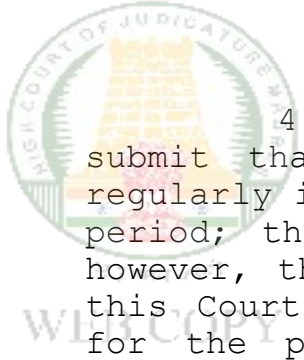
O R D E R

The writ petition has been filed seeking to quash the impugned order passed by the second respondent dated 25.10.2016 with the consequential direction to the second respondent to grant permission to the petitioner to conduct Orchestra Program on 31.10.2016 at "Sri Amman Temple Kodai Festival" at Melakkalangal, 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.

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

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 respondents, but, however, the same was rejected 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 the petitioner is ready to conduct the said program on 02.11.2016.

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 25.10.2016 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 25.10.2016 is set aside. The second respondent is directed to accord permission to the petitioner to conduct Orchestra Program at the festival of "Sri Amman Temple Kodai Festival", Melakkalanganal, Tirunelveli District, scheduled to be held on 02.11.2016, between 07.00 p.m., and 11.00 p.m., by incorporating the following conditions:

(a)Songs conveying obscene double meaning should not be played;

(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;

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

(f)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 (W)

/True Copy/



To

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

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

+ 1 CC TO Mr.M.MOHAMED SHERBUDEEN, ADVOCATE IN SR No. 64583
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 64767

PJL

TE/EM-MPA/SAR-AE : 01/11/2016 : 3P/5C (IT)

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