



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2016

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P(MD)No.21029 of 2016

B.Senthilkumar

... Petitioner

-vs-

- 1.The Deputy Superintendent of Police,
Tenkasi, Tirunelveli District.
- 2.The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Alangulam, Tenkasi,
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 relating to the impugned order dated 22.10.2016 of the second respondent and to quash the same, consequently, directing the second respondent to grant permission and necessary protection to perform the light music programme (innechai kacheri programme) on 08.11.2016 at Arulmigu sri Muppudaathi Amman temple, which located at Senalthapudhukulam, Thippanampatti Village, Tenkasi, Tirunelveli District.

For Petitioner : Mr.S.Moorthy
For Respondents : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

The writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 22.10.2016 of the second respondent and to quash the same, consequently, directing the second respondent to grant permission and necessary protection to perform the light music programme (innechai kacheri programme) on 08.11.2016 at Arulmigu sri Muppudaathi Amman temple, which located at Senalthapudhukulam, Thippanampatti Village, Tenkasi, 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. The case of the petitioner is that the petitioner is the committee member in the festival of Arulmigu Sri Muppudaathi Amman temple, which located at Senalthapudhukulam, Thippanampatti Village, Tenkasi, Tirunelveli District and the villagers used to celebrate festival every year and this year also they are going to celebrate the festival and during the festival, they are conducting Innisai Katcheri.

4. It is further averred in the affidavit that as usual they have decided to conduct the Temple Festival and Innisai Katcheri on 08.11.2016. The petitioner has further stated that he has approached the respondent requesting to grant permission, which was rejected on the ground that there is possibility of law and order problem.

5. The learned counsel for the petitioner would submit that village people have been conducting the festival and Innisai Katcheri programme for the past many years in a peaceful manner and no untoward incident had taken place so far. However, the respondent, without even giving opportunity to explain the fact, rejected the application, in violation of principles of natural justice.

6. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

7. It is not in dispute that the impugned order has been passed without providing opportunity to the petitioner and on that score, the impugned order is liable to be set aside and the same is set aside. The respondent shall consider the application of the petitioner dated 22.10.2016 afresh and pass orders as expeditiously as possible. Accordingly, this Writ Petition is allowed. No costs.

8. It is for the respondent police to give permission to the petitioner to conduct Innisai Katcheri by considering the representation of the petitioner. In the event of granting permission, they shall incorporate 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 bias 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 (CS-I)

/True copy/

Sub Assistant Registrar

To

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

2. The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Alangulam, Tenkasi,
Tirunelveli District.
Kadayanallur Taluk, Tirunelveli District.

+1 CC to M/s.S.MOORTHY, Advocate, SR No.65193

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.65286

W.P (MD) No.21029 of 2016

03.11.2016

SSL

SH/MPA/SAR-3:04.11.2016:3P/5C