



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2016

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.22772 of 2016

A.Yusuf

... Petitioner

-vs-

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

2.The Inspector of Police,
Theisayanvillai Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents herein to grant permission for conducting "Islamic Kalai Nigalchi" Programme on 28.11.2016 between 07.00 p.m., and 12.00 Mid night as a part of the last day function "Islamic Kalai Nigalchi" for the Jamath festival scheduled conduct on 28.11.2016 in front of Musjutha Mohadeen Jumma Pallivasal Street, Jumma Pallivasal Street, Thesayanvillai.

For Petitioner : Mr.P.M.Vishnu Varthanan
For Respondents : Mr.K.P.Krishna Doss,
Govt. Advocate

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents herein to grant permission for conducting "Islamic Kalai Nigalchi" Programme on 28.11.2016 between 07.00 p.m., and 12.00 Mid night as a part of the last day function "Islamic Kalai Nigalchi" for the Jamath festival scheduled conduct on 28.11.2016 in front of Musjutha Mohadeen Jumma Pallivasal Street, Jumma Pallivasal Street, Thesayanvillai.

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.

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

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 Jamath 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 Jamath festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this celebration.

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.

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 and also police protection to perform the cultural event of **Islamic Kalai Nigalchi** Programme on 28.11.2016 between 07.00 p.m., and 12.00 Mid night in connection with Jamath Festival is situated in Musjutha Mohadeen Jumma Pallivasal Street, Jumma Pallivasal Street, Thesayanvillai, by incorporating the following conditions:

(a) 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 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) 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(co)

/True copy/

Sub Assistant Registrar



To:

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

2.The Inspector of Police,
Theisayanvillai Police Station,
Tirunelveli District.

+1cc to Mr.P.M.Vishunvarthanan, Advocate Sr.No.72810

+1cc to special Government Pleader SR.No.72710

am

sm:GSV-PM:SAR 3:28/11/2016:3P/5C

W.P. (MD) No.22772 of 2016