

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 07.07.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.12623 of 2017**

Venkata Murugesan

.. Petitioner

-VS-

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

... Respondent

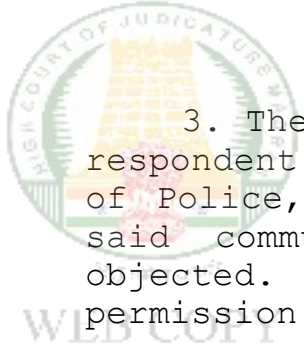
Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to permit the petitioner for conducting the "Music Concert" function on 15.07.2017 from 7.00.p.m onwards on the eve of Arulmighu Puthadimadan Temple festival of Archankuttam Village, V.K.Pudur Taluk, Tirunelveli District.

For Petitioner : Mr.D.Venkatesh.
For Respondent : Mr.A.Muthukaruppan
Additional Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Mandamus seeking a direction to the respondents to grant permission and protection for Music Concert function in completion of festival in Arulmighu Puthadimadan Temple festival of Archankuttam Village, V.K.Pudur Taluk, Tirunelveli District., scheduled to be held on 15.07.2017. based on the petitioner's representation, dated 01.07.2017.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct Music Concert function on 15.07.2017 in connection with a festival of Arulmighu Puthadimadan Temple festival of Archankuttam Village, V.K.Pudur Taluk, Tirunelveli District. He would further submit that in this connection, a representation was given to the respondent on 01.07.2017 with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent Police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.



3. The learned Additional Government Pleader appearing for the respondent produced the communication received from the Inspector of Police, Surandai Police Station, Tirunelveli District. In the said communication, the representation of the petitioner is objected. He would further submit that this Court may grant permission for Music Concert function with stringent conditions.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

5. The communication dated 07.04.2017 of the Sub Inspector of Police, Surandai Police Station, Tirunelveli District did not disclose any specific reason and there is no adverse remarks or antecedents reported by the respondent police regarding the programme conducted in the past. The objection is very general by stating that there is likelihood of law and order problem.

6. Taking into consideration the facts and circumstances of the case, the Writ Petition is disposed of with a direction to the respondent police to consider the representation of the petitioner, dated 01.07.2017 and to accord permission and police protection to the petitioner to conduct Music Concert programme at Arulmighu Puthadimadan Temple festival of Archankuttam Village, V.K.Pudur Taluk, Tirunelveli District, which is scheduled to be held on 15.07.2017, subject to the following conditions and any other reasonable restrictions that may be imposed by the respondent in the interest of public and to preserve the law and order:

(a) the "Music Concert" function in connection with the festival at Arulmighu Puthadimadan Temple festival of Archankuttam Village, V.K.Pudur Taluk, Tirunelveli District, scheduled to be held on 15.07.2017 should be completed before 10.30 p.m.

(b) there should not be any kind of or vulgar dialogues during the performance, by any one of the participants;

(c) double meaning songs should not be played so as to spoil the minds of students and the youth;

(c) no songs, touching upon any political party or religion, community or caste be played;

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

(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) if there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;



(g) similarly, the Police is empowered to stop the dance programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of intoxic substance or liquor during the programme; and

(i) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Surandai Police Station,
Tirunelveli District.

+1cc to M/S. D.VENKATESH, Advocate, SR.No.64113.

+1cc to Special Government Pleader, SR.No.64257.

W.P. (MD) No.12623 of 2017
07.07.2017

das/pjl

SDS/SKN:RSK/SAR 2/12.07.2017/3P/4C