

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

DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.12789 of 2017**

R.Dineshraj

... Petitioner

Vs.

The Sub Inspector of Police,
Palavoor Police Station,
Radhapuram Taluk,
Tirunelveli District.

... Respondent

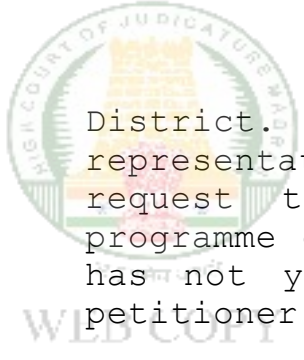
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent herein to grant permission and to provide police protection to conduct the "Music Orchestra" programme on 15.07.2017 in pursuant to the Thirukiol Kodai Vizha of Sree Uchipuli Mayavar Brahmasakthi Amman Thirukoil, situated at Sembikulam Village, Radhapuram Taluk, Tirunelveli District, by considering the petitioner's representation dated 05.07.2017.

For Petitioner : Mr.P.T.Ramesh Raja.

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 Writ of Mandamus seeking a direction to the respondent to grant permission and necessary protection to perform the cultural programme (ie.,) "Music Orchestra" on 15.07.2017 in the eve of Thirukiol Kodai Vizha of "Sree Uchipuli Mayavar Brahmasakthi Amman Thirukoil, situated at Sembikulam Village, Radhapuram Taluk, Tirunelveli District, by considering the petitioner's representation, dated 05.07.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Music Orchestra" programme on 15.07.2017 in connection with the Thirukiol Kodai Vizha of "Sree Uchipuli Mayavar Brahmasakthi Amman Thirukoil, situated at Sembikulam Village, Radhapuram Taluk, Tirunelveli



District. He further submitted that in this connection, a representation was given to the respondent on 05.07.2017 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 before this Court a copy of the letter received from the Special Sub Inspector of Police, Palavoor Police Station, Tirunelveli District. In the communication, he has stated that the programme is likely attract more members of people who belong to different communities and that therefore, there is likelihood of law and order problem. The objection is noted by this Court.

4. Having regard to the fact that no untoward incident is reported or no antecedent indicating communal disharmony is also reported, this Court is inclined to dispose of the writ petition with a direction to the respondent/Sub Inspector of Police, Palavoor Police Station, Tirunelveli District, to consider the representation of the petitioner, dated 05.07.2017 and to give permission and to provide police protection for "Music Orchestra" programme in connection with the Thirukiol Kodai Vizha of "Sree Uchipuli Mayavar Brahmasakthi Amman Thirukoil, situated at Sembikulam Village, Radhapuram Taluk, Tirunelveli District 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 police to preserve public peace and communal harmony:

(a) the "Music Orchestra" programme in connection with the Thirukiol Kodai Vizha at "Sree Uchipuli Mayavar Brahmasakthi Amman Thirukoil, situated at Sembikulam Village, Radhapuram 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 obscene dance 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;

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

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



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

(g) 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;

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

(i) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

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

No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

The Sub Inspector of Police,
Palavoor Police Station,
Radhapuram Taluk, Tirunelveli District.

+1cc to M/S. P.T.RAMESH RAJ, Advocate, SR.No.64602.

+1cc to Special Government Pleader, SR.No.64962.

W.P. (MD) No.12789 of 2017
11.07.2017

srm/ia

SDS/SKN:RSK/SAR 3/13.07.2017/3P/4C