

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

DATED: 12.07.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No. 12829 of 2017**

F.Gabriel

... Petitioner

-Vs-

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to grant permission and protection to conduct light music program scheduled to be taken place on 15.07.2017 between 9.00 P.M. to 2.00 A.M. of 16.07.2017 at Dohanavur Nanguneri Taluk, Tirunelveli District in connection with 115th birth anniversary of Mr.K.Kamarajar.

For Petitioner : Mr.P.T.R.Ramesh Raja.
For Respondent : Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, to direct the respondent to grant permission and protection to conduct light music program scheduled to be taken place on 15.07.2017 between 9.00 P.M. to 2.00 A.M. of 16.07.2017 at Dohanavur Nanguneri Taluk, Tirunelveli District in connection with 115th birth anniversary of Mr.K.Kamarajar.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "light music program" programme on 15.07.2017 between 9.00 P.M. to 2.00 A.M. of 16.07.2017 at Dohanavur Nanguneri Taluk, Tirunelveli District in connection with 115th birth anniversary of Mr.K.Kamarajar. He further submitted that in this connection, a representation was given to the respondent on 10.07.2017, with a request to grant permission and protection to conduct the programme on the above said dates. However, the respondent police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.



3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

4. The learned Special Government Pleader appearing for the respondent has produced before this Court, a communication, dated 12.07.2017, received from the Special Sub Inspector, Eruvadi Police Station, Tirunelveli District, stating that the programme is likely to cause law and order problem. Hence, he has requested not to grant permission in view of the likely hood of law and order problem. When enquired about the antecedents during such programmes in previous years, the respondent police has submitted that no untoward incident reported.

5. Taking into account the objections of the respondent police, this Court is inclined to pass the following direction:-

"The respondent/ The Inspector of Police, Eruvadi Police Station, Pudukottai District, is directed to consider the representation of the petitioner, dated 10.07.2017 and to give permission and to provide police protection for "Light Music" programme in connection with the 115th birth anniversary of Mr.K.Kamarajar in Dohanavur Nanguneri Taluk, Tirunelveli District scheduled to be held on 15.07.2017 between 9.00 P.M. to 2.00 A.M. of 16.07.2017 subject to the following conditions;

(a) the "Light Music" programme in connection with the 115th birth anniversary of Mr.K.Kamarajar, in Dohanavur Nanguneri Taluk, Tirunelveli District scheduled to be held on 15.07.2017 between 9.00 P.M. to 2.00 A.M. of 16.07.2017 should be completed before 11.30 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 religious 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 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.

6. It is open to respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting of any Flex Boards representing any community. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to M/S. P.T.RAMESH RAJA, Advocate, SR.No.64897.

+1cc to Special Government Pleader, SR.No.65261.

W.P.(MD) No.12829 of 2017

12.07.2017

cmr/ia

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