



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

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W.P. (MD) No.12830 of 2017

Murugesan

... Petitioner

Vs.

The Inspector of Police,
Surandai Police Station,
Surandai,
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 to grant permission and protection for Innisai Katcheri programme scheduled to be held on 17.07.2017 at night 10.00 p.m. to 01.00 a.m. in connection with "Kamarajar Birthday" at Lakshmipuram, Atchankunram Post, Veerakeralampudur Taluk, Tirunelveli District, by considering Petitioner's representation dated 22.06.2017.

For Petitioner : Mr.S.Selvakumar

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 seeking a direction to the respondent to grant permission and necessary protection to perform the cultural programme (ie.,) "Innisai Katcheri" on 17.07.2017 in the eve of "Kamarajar Birthday" at Lakshmipuram, Atchankunram Post, Veerakeralampudur Taluk, Tirunelveli District, by considering the petitioner's representation, dated 22.06.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Innisai Katcheri" programme on 17.07.2017 in connection with the "Kamarajar Birthday" at Lakshmipuram, Atchankunram Post, Veerakeralampudur Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 22.06.2017 in which he submitted 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 Special Government Pleader appearing for the respondent produced a copy of the communication received from the Sub Inspector of Police, Surandai Police Station, Surandai, Tirunelveli District.

4. Though the Sub Inspector of Police has raised some objection, they are subjective and not objective. However, considering the objection raised by the Police Officer, this Court is inclined to dispose of the writ petition with a direction to the respondent/Sub Inspector of Police, Surandai Police Station, Surandai, Tirunelveli District, to consider the representation of the petitioner, dated 22.06.2017 and to give permission and to provide police protection for "Innisai Katcheri" programme in connection with "Kamarajar Birthday" at Lakshmipuram, Atchankunram Post, Veerakeralampudur Taluk, Tirunelveli District, scheduled to be held on 17.07.2017, subject to the following conditions and any other reasonable restrictions that may be imposed by the respondent to maintain public order and communal harmony:

(a) the "Innisai Katcheri" programme in connection with "Kamarajar Birthday" at Lakshmipuram, Atchankunram Post, Veerakeralampudur Taluk, Tirunelveli District, scheduled to be held on 17.07.2017 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 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 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

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

No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

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

+One cc to Mr.S.Selvakumar, Advocate, SR.No.64870

+One cc to The Special Government Pleader, SR.No.65264

ia/cmr

RL/4C/3P/MR/KKR/SAR1/14/7/2017

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