



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.12990 of 2017

P.Velsamy

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police,
Pavoor Chathiram Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records of the second respondent's order, dated 10.07.2017, endorsed in the petitioner representation, dated 10.07.2017 and quash the same and consequently, direct the second respondent to give permission and police protection for the event of Orchestra Program to be scheduled on 21.07.2017 at the petitioner's temple Sri Mayandi Temple, Mahilvanna Nathapuram, Tirunelveli District within the period stipulated by this Court.

For Petitioner : Mr.M.Mohamed Sherbudeen
For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, for quashing the order of the second respondent, dated 10.07.2017, endorsed in the petitioner representation, dated 10.07.2017 and to direct the second respondent to give permission and police protection for the event of Orchestra Program to be scheduled on 21.07.2017 at the petitioner's temple "Sri Mayandi" Temple, Mahilvanna Nathapuram, Tirunelveli District, within the period stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Innisai Kacheri" Orchestra programme on 21.07.2017 in connection with a festival in "Sri Mayandi" Temple, Mahilvanna Nathapuram, Tirunelveli District. He further submitted that in this connection, a representation was given to the second respondent on 10.07.2017, with a request to grant permission and protection to conduct the programme on the above said date and the same was rejected by the respondent police, by the impugned order, dated 10.07.2017 and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondents has raised some objection for "Innisai Kacheri" Orchestra programme in view of the lightening of law and order problem.

5. Since the "Innisai Kacheri" Orchestra programme is conducted in every parts of the state irrespective of caste, creed and religion in relation to the temple festivals, this Court feel that it will amount to discrimination, if permission is not granted. Hence, the impugned order passed by the second respondent, dated 10.07.2017, is quashed and the Writ petition is allowed.

6. Taking serious note of the objection raised by the Special Government Pleader for the respondents, this Court is inclined to pass the following direction:-

The second respondent/ The Inspector of Police, Pavor Chathiram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 10.07.2017 and to give permission and to provide police protection for "Innisai Kacheri" Orchestra programme in connection with the festival in "Sri Mayandi" Temple, Mahilvanna Nathapuram, Tirunelveli District, scheduled to be held on 21.07.2017, subject to the following conditions;

(a) the "Innisai Kacheri" Orchestra programme in connection with the festival in "Sri Mayandi" Temple, Mahilvanna Nathapuram, Tirunelveli District, scheduled to be held on 21.07.2017 should be completed before 10.30 p.m.

(b) 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 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 programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic 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.

7. 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 up any Flex Boards representing any community. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police,
Pavoor Chathiram Police Station,
Tirunelveli District.

+ 1 CC TO Mr.M.MOHAMED SHARBUDEEN, ADVOCATE IN SR No. 65506
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 65887

PMU

TE/SKN-RSK/SAR-II : 18/07/2017 : 3P/5C

W.P. (MD) No.12990 of 2017
14.07.2017