



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**W.P.(MD) No. 13040 of 2017

WEB COPY

Kottiyappa Thevar

... Petitioner

-Vs-

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to permit the petitioner to conduct "Music Concert" on 25.07.2017 from 7.00 p.m. onwards during the temple festival of "Arulmigu Sundarajamman Temple, Aanaiyappapuram Village, Paruthipadu Post, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.D.Venkatesh
For Respondent : Mr.A.K.Baskarapandian
Special 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 respondent to grant permission and protection for "Music Concert" on 25.07.2017 from 7.00 p.m. onwards during the temple festival of "Arulmigu Sundarajamman Temple, Aanaiyappapuram Village, Paruthipadu Post, Nanguneri Taluk, Tirunelveli District.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct "Music Concert" programme on 25.07.2017 from 7.00 p.m. onwards during the temple festival of "Arulmigu Sundarajamman Temple, Aanaiyappapuram Village, Paruthipadu Post, Nanguneri Taluk, Tirunelveli District. He would further submit 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 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 would submit that this Court may grant permission for "Music Concert" programme with stringent conditions. He would



further submit that there is no adverse report against the Petitioner in conducting the "Music Concert" programme.

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

5. Taking into consideration the facts of the present case and the fact that such programmes are being organized and conducted in every villages all over the state, preventing the petitioner from conducting such programme in this particular village will amount to discrimination. Hence this Court is inclined to pass the following direction:-

"The respondent/Inspector of Police, Moolaikaraipatti 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 Music Concert" programme in connection with the Festival in "Arulmigu Sundarajamman Temple", Aanaiyappapuram Village, Paruthipadu Post, Nanguneri Taluk, Tirunelveli District scheduled to be held on 25.07.2017 from 7.00 p.m subject to the following conditions;

(a) the "Music Concert" programme in connection with the Festival in " Arulmigu Sundarajamman Temple, Aanaiyappapuram Village, Paruthipadu Post, Nanguneri Taluk, Tirunelveli District" scheduled to be held on 25.07.2017 from 7.00 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;

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. The respondent concerned is directed to issue necessary permission, incorporating the above conditions and ensure the observance of the conditions to maintain public order and tranquillity. It is open to the respondent to take appropriate action in the event of non-observance of the conditions stipulated. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To
The Inspector of Police,
Moolaikaraipatti Police Station,
Tirunelveli District.

+1 CC to M/s.D.VENKATESH, Advocate, SR No. 65540

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 65903

CMR/DSS

PSM/SKN-RSK/SAR1/21.07.2017/3P/4C

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