



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

CORAM

THE HONORABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 13071 of 2017

WEB COPY

A.Pitchaimuthu

... Petitioner

-Vs-

1.The Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Thuvakudi Police Station,
Thuvakudi,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant permission to conduct Musical Programme "Punitha Santhiyagappan" Aalaya Festival, Thuvakudi, Trichy District on 20.07.2017 at 8.00p.m. and 21.07.2017 at 7.30 p.m. and 23.07.2017 at 8.00 p.m.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader.

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O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Mandamus seeking a direction to the respondents to grant permission and protection for "Musical" programme "Punitha Santhiyagappan" Aalaya Festival, Thuvakudi, Trichy District, on 20.07.2017 at 8.00p.m. and 21.07.2017 at 7.30 p.m. and 23.07.2017 at 8.00 p.m.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct "Musical" programme in connection with the "Punitha Santhiyagappan Aalaya Festival", Thuvakudi, Trichy District, on 20.07.2017 at 8.00 p.m. and 21.07.2017 at 7.30 p.m. and 23.07.2017 at 8.00 p.m. He would further submit that in this connection, a representation was given to the respondent on 11.07.2017, with a request to grant permission and protection to conduct the programme on the above 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. The learned Special Government Pleader appearing for the respondents would submit that this Court may grant permission for "Musical" programme with stringent conditions. He would further submit that there is no adverse report against the Petitioner in conducting the "Musical" programme.

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

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 second respondent/Inspector of Police, Thuvakudi Police Station, Trichy District, is directed to consider the representation of the petitioner, dated 11.07.2017 and to give permission and to provide police protection for "Musical" programme in connection with the "Punitha Santhiyagappar Aalaya Festival", situated at Thuvakudi, Trichy District" scheduled to be held on 20.07.2017 at 8.00 p.m. and 21.07.2017 at 7.30 p.m. and 23.07.2017 at 8.00 p.m., subject to the following conditions;

(a) the "Musical" programme in connection with the Festival in "Punitha Santhiyagappar Aalaya Festival", situated at Thuvakudi, Trichy District" scheduled to be held on 20.07.2017 at 8.00 p.m. and 21.07.2017 at 7.30 p.m. and 23.07.2017 at 8.00 p.m. The Programme 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

<https://hcservices.ecourts.gov.in/hcservices/>

(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(C.S.)

To

1.The Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Thuvakudi Police Station,
Thuvakudi,
Trichy District.

+1cc to M/S.R.ALAGUMANI, Advocate SR.No.65570

cmr/dss

MAS/SV/SAR2:19.07.2017:2P-4C

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