



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.13240 of 2017

K.Vaithilingaraja

... Petitioner

Vs.

The Sub-Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

... Respondent

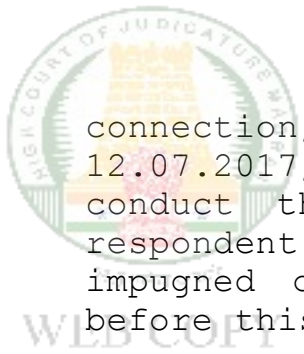
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent dated 12.07.2017 and quash the same as illegal, consequently, direct the respondent to permit the petitioner to perform music concert on 01.08.2017 from 09.00 p.m. onwards during the temple festival of Arulmighu Kaliyamman Temple, Panjapandiyur Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner	: Mr.D.Venkatesh
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 Certiorarified Mandamus, calling for the records pertaining to the impugned order of the respondent, on 12.07.2017 and quash the same and consequently, directing the respondent to grant permission and protection for "Music concert" programme in connection with "Temple festival" scheduled to be held on 01.08.2017 at "Arulmigu Kaliyamman Temple", at Panjapandiyur Village, Tenkasi Taluk, Tirunelveli District.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Music concert" programme on 01.08.2017 in connection with a festival of "Temple festival" of "Arulmigu Kaliyamman Temple", at Panjapandiyur Village, Tenkasi Taluk, Tirunelveli District. He would further submit that in this



connection, a representation was given to the respondent on 12.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent Police has rejected the said representation, by an impugned order, dated 12.07.2017 and hence, the petitioner is before this Court with this Writ Petition.

3. The learned Special Government Pleader appearing for the respondent, on instructions, submitted that though the representation of the petitioner was earlier rejected by the impugned order, the representation of the petitioner can be reconsidered subject to stringent conditions. He further submitted that no untoward incident is reported in the past and that the conduct of music programme is only usual as is being permitted in other temples.

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 and circumstances of the case, the impugned order passed by the respondent, dated 12.07.2017, is set aside and the Writ petition is allowed. The respondent/Sub-Inspector of Police, Pavoorchathram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 12.07.2017 and give permission and to provide police protection for "Music concert" programme in connection with "Temple festival" of "Arulmighu Kaliyamman Temple", at Panjapandiyur Village, Tenkasi Taluk, Tirunelveli District, scheduled to be held on 01.08.2017, subject to the following conditions:

(a) the "Music concert" programme in connection with the temple festival of "Arulmighu Kaliyamman Temple", at Panjapandiyur Village, Tenkasi Taluk, Tirunelveli District, scheduled to be held on 01.08.2017 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

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

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Sub-Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

+1cc to Mr.D.Venkatesh, Advocate SR.NO.66475
+1cc to The Spl.Government Pleader SR.NO.66562

SRM/GNS

VB/SKN/RSK/SAR1/21.07.2017/3P/4C

W.P. (MD) No.13240 of 2017