

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.07.2017****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) No.13294 of 2017**

Ganesan Subbiah

... Petitioner

Vs.

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant permission and protection for cultural event namely Innisai Katcheri scheduled to be held on 27.07.2017 at night 09.00 p.m. to 01.00 a.m. in connection with "Temple Festival" in Arulmigu Sri Elangamani Ayyanar Temple at Solaicheri Village, Veerakeralampudur Taluk, Tirunelveli District, by considering the petitioner's representation dated 05.07.2017.

For Petitioner

: Mr.S.Selvakumar

For Respondent

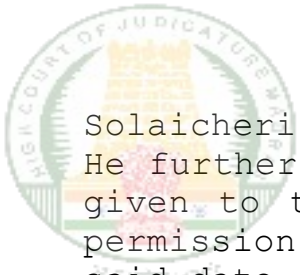
: Mr.A.K.Baskarapandiyan,
Special Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the respondent to grant permission and protection for cultural event namely Innisai Katcheri scheduled to be held on 27.07.2017 at night 09.00 p.m. To 01.00 a.m. in connection with "Temple Festival" in Arulmigu Sri Elangamani Ayyanar Temple at Solaicheri Village, Veerakeralampudur Taluk, Tirunelveli District, by considering the petitioner's representation dated 05.07.2017.

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 27.07.2017 in connection with a Temple Festival in "Arulmigu Sri Elangamani Ayyanar Temple", at



Solaicheri Village, Veerakeralampudur Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 05.07.2017, with a request to grant permission and protection to conduct the programme on the above said date.

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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.

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 respondent/ The Inspector of Police, Uthumalai Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 05.07.2017 and to give permission and to provide police protection for "Innisai Kacheri" Orchestra programme in connection with the Temple Festival in "Arulmigu Sri Elangamani Ayyanar Temple", at Solaicheri Village, Veerakeralampudur Taluk, Tirunelveli District, scheduled to be held on 27.07.2017, subject to the following conditions;

(a) the "Innisai Kacheri" Orchestra programme in connection with the Temple Festival in "Arulmigu Sri Elangamani Ayyanar Temple", at Solaicheri Village, Veerakeralampudur Taluk, Tirunelveli District, scheduled to be held on 27.07.2017, 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 any 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(CS-I)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.S.Selvakumar, Advocate SR.NO.66639

+1cc to The Spl.Government pleader SR.NO.66613

GNS/SRM

VB/SKN/RSK/SAR1/25.07.2017/3P/4C

W.P. (MD) No.13294 of 2017

19.07.2017