

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 19.07.2017
CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDAR
W.P.(MD) No. 13335 of 2017

S.Pious

... Petitioner

-Vs-

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and perform the Cultural Music programme "Orchestra" from 08.00 p.m to 11.00 p.m. scheduled to be held at St.Ignatius Church, Kovalam, Kanyakumari District on 22.07.2017, 27.07.2017 and 28.07.2017 and to provide adequate police protection.

For Petitioner : Mr.L.George Paul Anto.
For Respondents : 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 Mandamus seeking a direction to the respondents to grant permission and perform the Cultural Music programme "Orchestra" in connection with a festival in "Centenary Festival" from 08.00 p.m to 11.00 p.m. scheduled to be held at St.Ignatius Church, Kovalam, Kanyakumari District on 22.07.2017, 27.07.2017 and 28.07.2017 and to provide adequate police protection.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct a Cultural Music programme "Orchestra" in connection with a festival in "Centenary Festival" from 08.00 p.m to 11.00 p.m. scheduled to be held at St.Ignatius Church, Kovalam, Kanyakumari District on 22.07.2017, 27.07.2017 and 28.07.2017. He further submitted that in this connection, a representation was given to the respondent on 14.07.2017, 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. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. The learned Special Government Pleader appearing for the respondents stated that the programme is likely to attract the public from nearby village and that therefore permission may be granted subject to stringent condition.

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

"The second respondent/Inspector of Police, Kanyakumari Police Station, Kanyakumari, Kanyakumari District, is directed to consider the representation of the petitioner, dated 14.07.2017 and to give permission and to provide police protection for Cultural Music programme "Orchestra" in connection with a festival in "Centenary Festival" from 08.00 p.m to 11.00 p.m. scheduled to be held at St.Ignatius Church, Kovalam, Kanyakumari District, on 22.07.2017, 27.07.2017 and 28.07.2017, subject to the following conditions;

(a) the Cultural Music programme "Orchestra" in connection with a festival in "Centenary Festival" from 08.00 p.m to 11.00 p.m. scheduled to be held at St.Ignatius Church, Kovalam, Kanyakumari District on 22.07.2017, 27.07.2017 and 28.07.2017 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 of any Flex Boards representing any community.

7. With the above directions, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari,
Kanyakumari District.

+1cc to M/S. L.GEORGE PAUL ANTO, Advocate, SR.No.66458.

+1cc to Special Government Pleader, SR.No.66617.

W.P.(MD) No. 13335 of 2017
19.07.2017