



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

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**THE HONOURABLE MR. JUSTICE S.S.SUNDAR**

W.P. (MD) No. 13728 of 2017

K.Sivasubramanian

... Petitioner

-Vs-

The Sub-Inspector of Police,  
V.K.Pudur Police Station,  
Tirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent in his proceedings "Nil" dated 19.07.2017 and quash the same as illegal, consequently, directing the respondent to permit the petitioner to conduct "Orchestra Musical Program" during the Kodai Festival in Arulmigu Sri Pirayadi Madasami Sri Brahmasakthi Amman Temple, South Kaluneerkulam, Tirunelveli District on 04.08.2017.

|                |                                                        |
|----------------|--------------------------------------------------------|
| For Petitioner | : Mr.P.Mani Anandh                                     |
| For Respondent | : Mr.A.K.Baskarapandian<br>Special Government Pleader. |

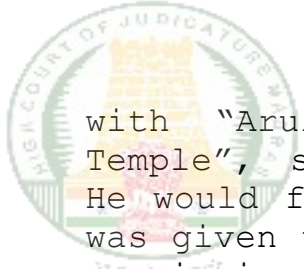
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O R D E R

The petitioner has come forward with this Writ Petition to issue a Writ of Certiorarified Mandamus, to quash the impugned order passed by the respondent in his proceedings "Nil" dated 19.07.2017 and consequently, to direct the respondent to permit the petitioner to conduct "Orchestra Musical Program" during the Kodai Festival in Arulmigu Sri Pirayadi Madasami Sri Brahmasakthi Amman Temple, South Kaluneerkulam, Tirunelveli District on 04.08.2017.

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

<https://hcservices.courts.tn.in/hcservices> The learned counsel for the petitioner would submit that the villagers jointly decided to conduct "Orchestra Musical Program" on 04.08.2017 for "Kodai Festival Function" in connection



with "Arulmigu Sri Pirayadi Madasami Sri Brahmasakthi Amman Temple", situated at South Kaluneerkulam, Tirunelveli District. He would further submit that in this connection, a representation was given to the respondent on 19.07.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent Police has denied permission stating that there is a likelihood of law and order problem. Hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondent would submit that the programme to be organized by the writ petitioner is likely to attract more crowd from neighbouring villages and therefore, there is likelihood of law and order problem.

5. On specific question being asked to the learned Special Government pleader as to any untoward incidents in the past, it was stated that no such untoward incidents reported when the programme was conducted by them in the previous years.

6. 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 impugned order passed by the respondent dated 19.07.2017, is quashed.

The respondent / Sub-Inspector of Police, V.K.Pudur Police Station, Tirunelveli District, is directed to re-consider the representation of the petitioner, dated 19.07.2017, to give permission and police protection for "Orchestra Musical Program" in connection with the "Kodai Festival" of "Arulmigu Sri Pirayadi Madasami Sri Brahmasakthi Amman Temple", situated at South Kaluneerkulam, Tirunelveli District, scheduled to be held on 04.08.2017, subject to the following conditions;

(a) the "Orchestra Musical Program" in connection with the Festival in "Arulmigu Sri Pirayadi Madasami Sri Brahmasakthi Amman Temple", at South Kaluneerkulam, Tirunelveli District scheduled to be held on 04.08.2017, shall be completed before 10.30 p.m.;

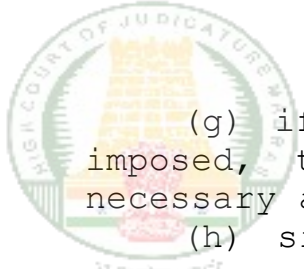
(b) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(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.

7. The respondent 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(T&P)

/True Copy/

Sub-Assistant Registrar

To

The Sub-Inspector of Police,  
V.K.Pudur Police Station,  
Tirunelveli District.

+One cc to Mr.P.Mani Anandh, Advocate, SR.No.67659

+One cc to The Special Government Pleader, SR.No.68311

mm/gk

RL/4C/3P/SKN/RSK/SAR3/1/8/2017

W.P(MD) No. 13728 of 2017

25.07.2017