



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

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THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No. 13815 of 2017

S.Perumal Reddiar

... Petitioner

-Vs-

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Rathapuram Police Station,
Tirunelveli District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the responders to grant permission and protection to conduct the Music Programme namely "Orchestra" on 01.08.2017 at 8.00 pm to 12.00 pm pursuant to the Kodai Festival of Sri Mutharamman Temple situated at Koliyankulam, Rathapuram Taluk, Tirunelveli District by considering the petitioner's representation dated 20.07.2017.

For Petitioner : Mr.M.Suresh
For Respondents : Mr.A.K.Baskarapandian
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 direct the responders to grant permission and protection to conduct the Music Programme namely "Orchestra" on 01.08.2017 at 8.00 pm to 12.00 pm pursuant to the Kodai Festival of Sri Mutharamman Temple situated at Koliyankulam, Rathapuram Taluk, Tirunelveli District by considering the petitioner's representation dated 20.07.2017.

2. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the Music Programme namely "Orchestra" on 01.08.2017 at 8.00 pm to 12.00 pm pursuant to the Kodai Festival of Sri Mutharamman Temple situated at Koliyankulam, Rathapuram Taluk, Tirunelveli District. He would further submit that in this connection, a representation was given to the respondent on 20.07.2017, 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. The learned Special Government Pleader appearing for the respondents would submit that this Court may grant permission for "Orchestra" with stringent conditions. He would further submit that there is no adverse report against the Petitioner in conducting the Giramiya Kalai Nigalchi/Cultural Events.

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/ The Inspector of Police, Rathapuram Police Station, Tirunelveli is directed to consider the representation of the petitioner, dated 20.07.2017 and to give permission and to provide police protection for "Orchestra" on 01.08.2017 at 8.00 pm to 12.00 pm pursuant to the Kodai Festival of Sri Mutharamman Temple situated at Koliyankulam, Rathapuram Taluk, Tirunelveli District scheduled to be held on 01.08.2017, subject to the following conditions;

(a) the Orchestra in connection with the Kodai Festival of Sri Mutharamman Temple situated at Koliyankulam, Rathapuram Taluk, Tirunelveli District scheduled to be held on 01.08.2017, 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;

http://hcservices.echips.gov.in/hcservices/ (h) In addition, 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

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(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(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Rathapuram Police Station,
Tirunelveli District

+One cc to Mr.M.Suresh, Advocate, SR.No.68003

dsk/sss

RL/4C/3P/SKN/RSK/SAR2/27/7/2017

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26.07.2017