



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No. 13823 of 2017

Sankarapandian

... Petitioner

-Vs-

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

2. The Sub Inspector of Police,
Veerakeralampudur Police Station,
Tirunelveli District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent's order dated 10.07.2017 and quash the same and consequently direct the second respondent to give permission and police protection for the event of Orchestra Program to be scheduled on 08.08.2017 at the petitioner's temple Sri Thanthondri Amman Temple, Veeranam, Tirunelveli District with the period stipulated by this Court.

For Petitioner : Mr.M.Mohamed Sherbudeen

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 a Writ of Certiorarified Mandamus, to call for the records of the second respondent's order dated 10.07.2017 and quash the same and consequently direct the second respondent to give permission and police protection for the event of Orchestra Program to be scheduled on 08.08.2017at the petitioner's temple Sri Thanthondri Amman Temple, Veeranam, Tirunelveli District.



2. The learned counsel for the petitioner would submit that the villagers jointly decided to perform Orchestra Program 08.08.207 in connection with festival at Sri Thanthondri Amman Temple, Veeranam, Tirunelveli District. He would further submit that in this connection, a representation was given to the respondent on 08.07.2017, with a request to grant permission and protection to conduct the programme on the above said date and the respondent Police has denied permission stating that there are likelihood of law and order problem 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 the respondent police has some formal objections and admitted that no untoward incident has been report in connection with the programme during the past and this Court may grant permission for "Orchestra" program with stringent conditions. He would further submit that there is no adverse report against the Petitioner in conducting the " Orchestra".

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, the impugned order dated 10.07.2017 passed by the second respondent is quashed and this Court is inclined to pass the following direction:-

" The second respondent / The Sub Inspector of Police, Veerakeralampudur Police Station, Tirunelveli District, is directed to reconsider the representation of the petitioner, dated 08.07.2017 and to give permission and to provide police protection for "Orchestra" scheduled to be held on 08.08.207 in connection with the festival at Sri Thanthondri Amman Temple, Veeranam, Tirunelveli District, subject to the following conditions;



Thanthondri Amman Temple, Veeranam, Tirunelveli District, shall be completed before 10.30 p.m on 08.08.2017.

(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. 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

/True Copy/

Sub Assistant Registrar

To

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



2. The Sub Inspector of Police,
Veerakeralampudur Police Station,
Tirunelveli District.

+1cc to Mr.M.Mohamed Sherbudeen, Advocate Sr.No.68059
+1cc to Spl.Government Pleader Sr.No.68673

DSK/SSS

VB/SKN-RSK/SAR1/02/08/2017/4P/5C

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