



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.14469 of 2017

WEB COPY

Arulraj

... Petitioner

-Vs-

The Sub-Inspector of Police,
Pavoorchatram 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 dated 29.07.2017 and quash the same as illegal, consequently, direct the respondent to permit the petitioner to perform music concert on 11.08.2017 from 09.00 P.M onwards during the temple festival of Arulmighu Sudalai Madasamy Temple, Chinna Nadanur Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.D.Venkatesh

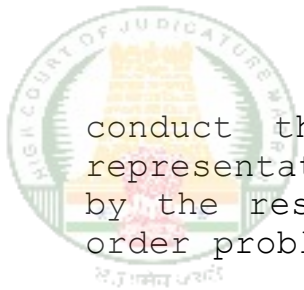
For Respondent : Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the respondent dated 29.07.2017 and quash the same as illegal, consequently, direct the respondent to permit the petitioner to perform music concert on 11.08.2017 from 09.00 P.M onwards during the temple festival of Arulmighu Sudalai Madasamy Temple, Chinna Nadanur Village, Tenkasi Taluk, Tirunelveli District.

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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Music Concert" programme on 11.08.2017 in connection with a festival in Arulmighu Sudalai Madasamy Temple, Chinna Nadanur Village, Tenkasi Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 29.07.2017, with a request to grant permission and protection to



conduct the programme on the above said date. However the representation of the petitioner seeking permission was rejected by the respondent stating that there is a likelihood of law and order problem if the permission is granted.

4. It is well settled that the respondent can regulate such programme for the purpose of maintaining law and order problem and there is no scope of prohibiting such programmes. When enquired about the antecedents during such programmes in previous years, the Special Government Pleader has submitted that no untoward incident reported.

5. Considering the fact that the "Music Concert" programme or even other programmes relating to the temple festivals are being permitted through out the State, subject to usual conditions, denying permission to the petitioner will amount to discrimination. Hence, the impugned proceedings, dated 29.07.2017 passed by the second respondent is set aside and the Writ petition is allowed. Taking into consideration the serious objections raised by the learned Special Government Pleader for the respondents, this Court is inclined to issue the following directions:

The respondent/The Sub-Inspector of Police, Pavoorchatram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 29.07.2017 and to give permission and to provide police protection for Music Concert programme in connection with a festival in Arulmighu Sudalai Madasamy Temple, Chinna Nadanur Village, Tenkasi Taluk, Tirunelveli District, scheduled to be held on 11.08.2017, subject to the following conditions;

(a) the Music concert programme in connection with the a festival in "Arulmighu Sudalai Madasamy Temple, Chinna Nadanur Village, Tenkasi Taluk, Tirunelveli District, scheduled to be held on 11.08.2017 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 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 up any Flex Boards representing any community. No costs.

Sd/-
Assistant Registrar

/ True Copy /

Sub Assistant Registrar(C.S.)

To

The Sub-Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

+1cc to M/S.D.VENKATESH, Advocate SR.No.70368

+1cc to Special Government Pleader, SR.No. 70923

cp/dsk
MAS/SKN-RSK/SAR2:09.08.2017:3P-4C

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