



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2017

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

W.P.(MD) No.14689 of 2017

A.Sermathi Nadar

... Petitioner

-Vs-

1.The Inspector of Police,
Uthumalai Police Station,
Allankulam Taluk,
Thirunelveli District.

2.The Sub Inspector of Police,
Uthumalai Police Station,
Allankulam Taluk,
Thirunelveli District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent in C.No,21/H4PS/2017, dated 30.07.2017 and quash the same and consequently direct the respondents to grant permission and protection for cultural program, namely music kacheri to be held on 10.08.2017 in Sri Karuppusamy Temple at night 9.00 to 12.00 Hours in connection with the Kodai Villa in Sri Karuppusamy Temple at Kadangeneri, Allankulam Taluk. Thirunelveli District.

For Petitioner : Mr.V.S.Kumaraguru

For Respondents : 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, calling for the records relating to the impugned order of the 2nd respondent in C.No,21/H4PS/2017, dated 30.07.2017 and quash the same and consequently direct the respondents to grant permission and protection for cultural program, namely music kacheri to be held on 10.08.2017 in Sri Karuppusamy Temple at night 9.00 to 12.00 Hours in connection with the Kodai Villa in Sri Karuppusamy Temple at Kadangeneri, Allankulam Taluk. Thirunelveli District.



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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Music Kacheri" on 10.08.2017 in Sri Karuppusamy Temple at night 9.00 to 12.00 Hours in connection with the Kodai Villa in Sri Karuppusamy Temple at Kadangeneri, Allankulam Taluk. Thirunelveli District. He further submitted that in this connection, a representation was given to the first respondent on 30.07.2017, with a request to grant permission and protection to conduct the programmes on the above said date. However, the second respondent rejected the said representation, by the impugned proceeding, dated 30.07.2017, and hence, the petitioner is before this Court with this Writ Petition.

4. Though in the impugned order there is reference to some clash between two groups of the same community resulting in registration of certain cases, the learned Special Government Pleader fairly admitted that the cases registered are not related to conduct of any festival in the village and therefore, subject to stringent conditions permission may be granted.

5. Considering the facts and circumstances of the case, the impugned order, dated 30.07.2017 passed by the second respondent is set aside and the Writ petition is allowed with the following directions:-

The second respondent/The Sub Inspector of Police, Uthumalai Police Station, Allankulam Taluk, Thirunelveli District is directed to consider the representation of the petitioner, dated 30.07.2017 and to give permission and to provide police protection for "Music Kacheri" in connection with a festival in "Kodai Villa in Sri Karuppusamy Temple at Kadangeneri, Allankulam Taluk. Thirunelveli District" scheduled to be held on 10.08.2017, subject to the following conditions;

(a) the "Music Kacheri" in connection with a festival in "Kodai Villa in Sri Karuppusamy Temple at Kadangeneri, Allankulam Taluk. Thirunelveli District" scheduled to be held on 10.08.2017, should be completed before 10.30 p.m.

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

<https://hcservices.ecourts.gov.in/hcservices/> songs, touching upon any political party or religion, community or caste be played;



(d) no flex boards in support of any political party or religious leader be erected;

(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) 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;

(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

(i) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

6. It is open to second 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(AE)

/True Copy/

Sub Assistant Registrar.

To

1.The Inspector of Police,
Uthumalai Police Station,
Allankulam Taluk, Thirunelveli District.

2.The Sub Inspector of Police,
Uthumalai Police Station,
Allankulam Taluk, Thirunelveli District.

+1CC to Mr.V.S.Kumaraguru, Advocate, SR.No.71191

W.P.(MD) No. 14689 of 2017
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