



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM

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

W.P.(MD) No.14935 of 2017

WEB COPY

K.Arul

... Petitioner

-Vs-

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

2.The Sub Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram,
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 dated 26.06.2017 and quash the same and consequently direct the respondents to grant permission and protection for conduct "Orchestra" by using lights and speakers @ night on 30.09.2017 in "Arulmigu Sri Ramasamy temple" at Sivanadanoor Village, Tenkasi Taluk, Tirunelveli District based on petitioner's representation dated 26.06.2017.

For Petitioner : Mr.K.Essakki
For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent dated 26.06.2017 and quash the same and consequently direct the respondents to grant permission and protection for conduct "Orchestra" by using lights and speakers @ night on 30.09.2017 in "Arulmigu Sri Ramasamy temple" at Sivanadanoor Village, Tenkasi Taluk, Tirunelveli District based on petitioner's representation dated 26.06.2017.

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

<https://hcservices.courts.gov.in/hcservices/>
3.The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Orchestra" on 30.09.2017 in



connection with a festival of " Arulmigu Sri Ramasamy temple" at Sivanadanoor Village, Tenkasi Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the second respondent on 26.06.2017, 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 26.06.2017, on the ground that permitting of such programme is likely to bring law and order problem and hence, the petitioner is before this Court with this Writ Petition.

4.The learned Special Government Pleader appearing for the respondents, on instructions, submitted no untoward incident is reported and that this Court may grant permission for "Orchestra" subject to stringent conditions.

5.Considering the facts and circumstances of the case, the impugned order dated 26.06.2017 passed by the second respondent is set aside and the Writ petition is allowed with the following direction:-

The second respondent/The Sub Inspector of Police, Pavorchatram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 26.06.2017 and to give permission and to provide police protection for " " Orchestra" in connection with a festival of "Arulmigu Sri Ramasamy temple" situated at Sivanadanoor Village, Tenkasi Taluk, Tirunelveli District, scheduled to be held on 30.09.2017, subject to the following conditions;

(a) the "Orchestra" in connection with a festival of " Sivanadanoor Village, Tenkasi Taluk, Tirunelveli District, scheduled to be held on 30.09.2017, 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;

(c) no 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;

<https://hcservices.ecourts.gov.in/info/services/> 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

/True copy/

Sub Assistant Registrar

To

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

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

+1cc to Mr.K.Esakki, Advocate, SR.71954

+1cc to M/S.Special Government Pleader, SR.72391

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GSP/DSS

KK/SKN RSK/SAR2/17.08.2017/ 3P- 5C