



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.15292 of 2017

L.Ramachandran

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the file of the second respondent herein dated 06.08.2017 and quash the same and consequently directing the second respondent to grant permission to conduct Orchestra programme on 26.08.2017 at about 08.00 p.m. to 12.00 p.m at Arulmighu Periya Andavar Kovil Festival at Sivanadanoor, Pavoorchatiriam, Tirunelveli District.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondents : Mr.N.S.Karthikeyan
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order of the second respondent herein, dated 06.08.2017 and quash the same and consequently direct the second respondent to grant permission to conduct Orchestra programme on 26.08.2017 at about 08.00 p.m. to 12.00 p.m at Arulmighu Periya Andavar Kovil Festival at Sivanadanoor, Pavoorchatiriam, Tirunelveli District.



2. Heard Mr.S.M.Mohan Gandhi, learned counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner would submit that there is a temple called "Arulmighu Periya Andavar Kovil Festival" at Sivanadanoor, Pavoorchatriam, Tirunelveli District. The petitioner is one of the elders of the said village. Every year, Festival is conducted in the said temple with cultural programmes. This year, "Festival" at "Arulmighu Periya Andavar Kovil Festival" at Sivanadanoor, Pavoorchatriam, Tirunelveli District is proposed to be celebrated on 26.08.2017. In view of that, an "Orchestra Programme" is scheduled on 26.08.2017. In this connection, a representation, dated 06.08.2017 was given to the second respondent police, with a request to grant permission to conduct "Orchestra Programme". The said representation was rejected by the second respondent. Hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that every year, cultural programmes in the temple festival are conducted in a peaceful manner by the villagers and there will be no untoward incident by the people of the village.

4. The learned Additional Government Pleader appearing for the respondents contended that if Orchestra programme is conducted, there will be a likelihood of law and order problem, in the village. Hence, he requests this Court that permission may be granted, subject to stringent conditions.

5. Considering the fact that "Orchestra" programme or even other programmes relating to the temple festival are being permitted through out the State, subject to usual conditions, denying permission to the petitioner will amount to discrimination. Hence, taking into consideration the submission made by the learned Additional Government Pleader for the respondents, this Court is inclined to set aside the order passed by the second respondent, dated 06.08.2017 and issue the following directions:

The second respondent/The Sub Inspector of Police, Pavoorchatiram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 06.08.2017 and to give permission and to provide police protection for "Orchestra" programme in connection with a "Avani Festival" at "Arulmighu Periya Andavar Kovil Festival, at Sivanadanoor, Pavoorchatiram, Tirunelveli District, scheduled to be held on 26.08.2017, subject to the

following conditions;

(a) the "Orchestra" programme in connection with



a "Avani Festival" at "Arulmighu Periya Andavar Kovil Festival, at Sivanadanoor, Pavoorchatiram, Tirunelveli District, scheduled to be held on 26.08.2017, 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;

(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;

(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.

7. The writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar



To

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

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

+1cc to Mr.S.Mohan Gandhi, Advocate in SR.No.72681

+1cc to The Special Government Pleader in SR.No.72659

vs

AE/SV MMS/SAR4/18.08.2017/4P/5C

W.P. (MD) No.15292 of 2017
16.08.2017