

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 23.08.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No. 15867 of 2017**

St.Aloysius Church,
Represented by its Treasurer
V.Antony Bilavendra Raja,
163/2, St.Micheal Street,
Soundrapandiapuram P.O.
Radhapuram Taluk,
Tirunelveli District.

... Petitioner

-Vs-

The Inspector of Police,
Radhapuram Police Station,
Radhapuram.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant permission for conduct Orchestra on 25.08.2017 at 08.30 p.m., to 10.30 p.m., in St.Aloysius Church, Soundrapandiapuram Village, Radhapuram Taluk, Tirunelveli District by considering the representation of the petitioner dated 12.08.2017.

For Petitioner : Mr.H.Arumugam
For Respondent : Mr.A.K.Baskara Pandian
Special Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus, seeking a direction to the respondent to grant permission and protection for cultural event, namely, Orchestra scheduled to be held on 25.08.2017 at 08.30 p.m., to 10.30 p.m., in St.Aloysius Church, Soundrapandiapuram Village, Radhapuram Taluk, Tirunelveli District, by considering the petitioner's representation, dated 12.08.2017.

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 "Orchestra" programme on 25.08.2017 at 08.30 p.m., to 10.30 p.m., in St. Aloysius Church, Soundrapandiapuram Village, Radhapuram Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 12.08.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondent submitted that this Court may grant permission for "Orchestra" programme subject to stringent conditions.

5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

The respondent / The Inspector of Police, Radhapuram Police Station, Radhapuram Taluk, Tirunelveli District, is directed to consider the representation of the petitioner, dated 12.08.2017 and to give permission and to provide police protection for Orchestra programme in St. Aloysius Church, Soundrapandiapuram Village, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 25.08.2017 at 08.30 p.m., to 10.30 p.m., subject to the following conditions;

(a) the Orchestra programme in St. Aloysius Church, Soundrapandiapuram Village, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 25.08.2017 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 take 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 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 (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Radhapuram Police Station,
Radhapuram.

+1cc to M/S. H.ARUMUGAM, Advocate, SR.No.74099.
+1cc to Special Government Pleader, SR.No.74650.

W.P.(MD) No. 15867 of 2017
23.08.2017

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