



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

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

W.P.(MD) No.15882 of 2017

S.Sajin

... Petitioner

-Vs-

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

2.The Inspector of Police,
Kaliakkavilai Police Station,
Kaliakkavilai,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to give necessary police protection and permit the petitioner to conduct "Cultural music program" Cultural Program during Onam Festival and 7th yearly festival situated at Kallikootamvilai Veedu, Kamaraj Nagar, Padanthalmoodu Post, Vilavancode Taluk, Kanyakumari District, on 02.09.2017 at 08.00 p.m., to 11.00 p.m., and consider the petitioner representation dated 10.08.2017.

For Petitioner : Mr.S.Arul
For Respondent : Mr.A.K.Baskarapandiyan,
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 respondents to give necessary police protection and permit the petitioner to conduct "Cultural music program" during Onam Festival and 7th yearly festival situated at Kallikootamvilai Veedu, Kamaraj Nagar, Padanthalmoodu Post, Vilavancode Taluk, Kanyakumari District, on 02.09.2017 at 08.00 p.m., to 11.00 p.m., and consider the petitioner representation dated 10.08.2017.

<https://hcservices.courts.gov.in/hcservices/> 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 "Cultural Music Programme" on 02.09.2017 in connection with "Onam Festival and 7th yearly" festival, at Kallikootamvilai Veedu, Kamaraj Nagar, Padanthalmoodu Post, Vilavancode Taluk, Kanyakumari District. He further submitted that in this connection, a representation was given to the respondent on 10.08.2017, 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 respondents submitted that this Court may grant permission for "Cultural Music 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 second respondent/The Inspector of Police, Kaliakkavilai Police Station, Kaliakkavilai, Kanyakumari District, is directed to consider the representation of the petitioner, dated 10.08.2017 and to give permission and to provide police protection for "Cultural Music Programme" in connection with "Onam Festival and 7th yearly" festival, at Kallikootamvilai Veedu, Kamaraj Nagar, Padanthalmoodu Post, Vilavancode Taluk, Kanyakumari District, scheduled to be held on 02.09.2017, subject to the following conditions;

(a) the "Cultural Music Programme" in connection with the "Onam Festival and 7th yearly " festival, at Kallikootamvilai Veedu, Kamaraj Nagar, Padanthalmoodu Post, Vilavancode Taluk, Kanyakumari District, scheduled to be held on 02.09.2017 should be completed before 10.30 p.m., or within the time permitted by the respondent police.

(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

<https://hcservices.courts.mca.gov.in/hcservices/> 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(RTI)

/True Copy/

Sub Assistant Registrar.

To

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

2.The Inspector of Police,
Kaliakkavilai Police Station,
Kaliakkavilai,
Kanyakumari District.

+1CC to Mr.S.Arul, Advocate, SR.No.74116

+1CC to the Special Government Pleader SR.No. 74675

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23.08.2017