

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 28.08.2017****CORAM****THE HON'BLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) No. 16115 of 2017**

S.Ganeshan

... Petitioner

-Vs-

State Rep. by
The Inspector of Police,
Ovari Police Station,
Tirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to permit the petitioner to conduct the cultural function viz., "Music Program" during the temple festival of Kuttam "Arulmighu Mutharamman Temple", 2/162-Pillaiyar Kovil Street, Kuttam & Post, Idaiyankudi Via, Tirunelveli District on 06.09.2017 between 07.00 p.m. to 12.00 p.m. and further direct the respondent to give adequate police protection for the above said programme.

For Petitioner : Mr.K.Veilmuthu

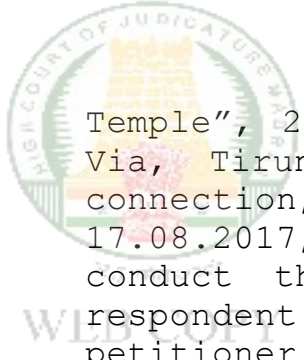
For Respondent : Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the respondent to permit the petitioner to conduct the cultural function viz., "Music Program" during the temple festival of Kuttam "Arulmighu Mutharamman Temple", 2/162-Pillaiyar Kovil Street, Kuttam & Post, Idaiyankudi Via, Tirunelveli District on 06.09.2017 between 07.00 p.m. to 12.00 p.m. and further direct the respondent to give adequate police protection for the above said programme.

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 "Music Program" on 06.09.2017 in connection with a festival in "Arulmighu Mutharamman



Temple", 2/162-Pillaiyar Kovil Street, Kuttam & Post, Idaiyankudi Via, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 17.08.2017, with a request to grant permission and protection to conduct the programmes on the above said date. However, the respondent has not taken any action in this regard. Hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondent on instructions submitted that this Court may grant permission for "Music Program" subject to stringent conditions.

5. Considering the facts and circumstances of the case, Writ petition is Disposed of with the following direction:-

The respondent/The Inspector of Police, Ovari Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 17.08.2017 and to give permission and to provide police protection for "Music Program" in connection with a festival in "Arulmighu Mutharamman Temple", 2/162-Pillaiyar Kovil Street, Kuttam & Post, Idaiyankudi Via, Tirunelveli District, subject to the following conditions;

(a) the "Music Program" in connection with a festival in "Arulmighu Mutharamman Temple", 2/162-Pillaiyar Kovil Street, Kuttam & Post, Idaiyankudi Via, Tirunelveli District, should be completed before 10.30 p.m or as allowed by the respondent.

(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;

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 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

The Inspector of Police,
Ovari Police Station,
Tirunelveli District.

+1cc to Mr.K.Veilmuthu, Advocate Sr.No.75036

+1cc to Spl.Government Pleader Sr.No.75108

MM/MSA

VB/MR/SAR2/01.09.2017/3P/4C

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28.08.2017