

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

DATED: 04.09.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No. 16621 of 2017**

T.Erattai Selvam

... Petitioner

-Vs-

The Inspector of Police,
Eral Police Station,
Thoothukudi District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to grant the permission for conducting the Turicorin Kamarasar Gandhi and group Musical Orchestra on 06.09.2017 from 07.00p.m. onwards near the temple premises of Arulmigu Mutharamman Thirukovil situated at Akkasalai, Korkai Village, Srivaikundam Taluk, Thoothukudi District based on the representation given by the petitioner dated 30.08.2017.

For Petitioner : Mr.S.Mandhiralingeswaran

For Respondent : Mr.S.Sathiskumar,
Additional Government Pleader.**O R D E R**

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the respondent herein to grant the permission for conducting the Turicorin Kamarasar Gandhi and group Musical Orchestra on 06.09.2017 from 07.00 p.m. onwards near the temple premises of Arulmigu Mutharamman Thirukovil situated at Akkasalai, Korkai Village, Srivaikundam Taluk, Thoothukudi District based on the representation given by the petitioner dated 30.08.2017.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Group Musical Orchestra" on 06.09.2017 in connection with a festival in "Arulmigu Mutharamman Thirukovil situated at Akkasalai, Korkai Village, Srivaikundam Taluk, Thoothukudi District. He further submitted that in this connection, a representation was given to the respondent on



30.08.2017, 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.

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3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

4. The learned Additional Government Pleader appearing for the respondent submitted that this Court may grant permission for "Group Musical 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, Eral Police Station, Thoothukudi District, is directed to consider the representation of the petitioner, dated 30.08.2017 and to give permission and to provide police protection for "Group Musical Orchestra" programme in connection with "Arulmigu Mutharamman Thirukovil situated at Akkasalai, Korkai Village, Srivaikundam Taluk, Thoothukudi District, scheduled to be held on 06.09.2017, subject to the following conditions;

(a) the "Group Musical Orchestra" programme in connection with the "Arulmigu Mutharamman Thirukovil situated at Akkasalai, Korkai Village, Srivaikundam Taluk, Thoothukudi District, scheduled to be held on 06.09.2017 should be completed before 10.30 p.m.

(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 or religious leader be erected;

(f) the function should not affect either religious 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;

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(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(CO)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Eral Police Station,
Thoothukudi District.

+1cc to M/S. S.MANDIRALINGESWARAN, Advocate, SR.No.76405.

W.P.(MD) No. 16621 of 2017
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das/trp
SDS/SKN:RSK/SAR 3/05.09.2017/3P/3C