



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2017

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

W.P.(MD) No. 17233 of 2017

R.Natarajan

... Petitioner

-Vs-

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and necessary police protection to perform cultural programme (ie.,) Light Music (Orchestra) on the eve of Arulmigu Uchini Mahaliamman, Santhana Mariamman Temple Festival at Mottathadhanvilai, Siruthondanallur Village, Srivaikundam Taluk, Thoothukudi District which is to be held on 13.09.2017.

For Petitioner : Mr.G.Thalaimutharasu

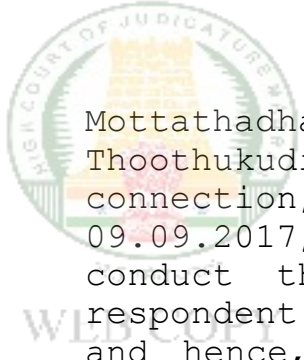
For Respondent : Mr.A.K.Baskara Pandian
Special Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus directing the respondents to grant permission and necessary police protection to perform cultural programme (ie.,) Light Music (Orchestra) on the eve of Arulmigu Uchini Mahaliamman, Santhana Mariamman Temple Festival at Mottathadhanvilai, Siruthondanallur Village, Srivaikundam Taluk, Thoothukudi District which is to be held on 13.09.2017.

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 <https://www.sarva.org.in/judicial-services> decided to conduct "Light Music (Orchestra)" programme on 13.09.2017 in connection with a festival in Arulmigu Uchini Mahaliamman, Santhana Mariamman Temple Festival at



Mottathadhanvilai, Siruthondanallur Village, Srivaikundam Taluk, Thoothukudi District. He further submitted that in this connection, a representation was given to the respondent on 09.09.2017, 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 "Light Music (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, Eral, Thoothukudi District, is directed to consider the representation of the petitioner, dated 09.09.2017 and to give permission and to provide police protection for "Light Music (Orchestra)" programme in connection with a festival in Arulmigu Uchini Mahaliyamman, Santhana Mariamman Temple Festival at Mottathadhanvilai, Siruthondanallur Village, Srivaikundam Taluk, Thoothukudi District, scheduled to be held on 13.09.2017, subject to the following conditions;

(a) the "Light Music (Orchestra)" programme in connection with the a festival in Arulmigu Uchini Mahaliyamman, Santhana Mariamman Temple Festival at Mottathadhanvilai, Siruthondanallur Village, Srivaikundam Taluk, Thoothukudi District, scheduled to be held on 13.09.2017 should be completed before 10.30 p.m or as may be permitted by the respondent police

(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 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(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To

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

+1CC to Mr.G.Thalaimutharasu, Advocate, SR.No. 78556

W.P.(MD) No. 17233 of 2017

13.09.2017

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