



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.17338of 2017

P.C.Durai

... Petitioner

Vs.

The Sub Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent by his impugned order dated 10.09.2017 and quash the same and consequently direct the respondent to grant permission for conducting "Orchestra" on 25.09.2017 during night in "Sri Muppudhathiamman Temple" Theerththarappapuram, Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli District, based on the petitioner's representation dated 10.09.2017.

For Petitioner

: Mr.K.Essaki

For Respondent

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

O R D E R

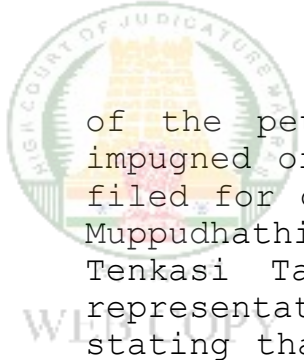
This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent by his impugned order dated 10.09.2017 and quash the same and consequently direct the respondent to grant permission for conducting "Orchestra" on 25.09.2017 during night in "Sri Muppudhathiamman Temple" Theerththarappapuram, Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli District, based on the petitioner's representation dated 10.09.2017.

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 villagers jointly decided to conduct "Orchestra" on 25.09.2017 during night in "Sri Muppudhathiamman Temple" Theerththarappapuram, Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 10.09.2017, with a request to grant permission and protection to conduct the above said programme on the

<https://hccourts.mca.gov.in/active/>

4.The grievance of the petitioner is that the representation



of the petitioner was refused by the respondent by passing the impugned order dated 10.09.2017. Hence the above writ petition is filed for conducting "Orchestra" on 25.09.2017 during night in "Sri Muppudhathiamman Temple" Theerththarappapuram, Avudaiyanoor Vilage, Tenkasi Taluk, Tirunelveli District, based on the petitioner's representation dated 10.09.2017. In this impugned order, except stating that there is a likelihood of law and order problem and no other incidents or any violence or communal unrest were indicated.

5.It is fairly submitted by the learned Special Government Pleader for the respondent that no untoward incident was reported when similar programme was organised in past.

6.Considering the facts and circumstances of the case, the Writ Petition is allowed and the impugned order passed by the respondent dated 10.09.2017 is set aside, with the following directions:

The respondent/The Sub Inspector of Police, Pavoorchattram Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 10.09.2017 and to give permission and to provide police protection for ""Orchestra" on 25.09.2017 during night in "Sri Muppudhathiamman Temple" Theerththarappapuram, Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli District, subject to the following conditions;

*(a) the "Orchestra" on 25.09.2017 during night in "Sri Muppudhathiamman Temple" Theerththarappapuram, Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli District, scheduled to be held on 25.09.2017 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 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.

7.It is open to the 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 Sub Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.79070
+1cc to Mr.K.ESAKKI Advocate in SR. No. 79128
DAS/TSG
JS/SKN.RSK/SAR.4/21.09.2017/3P-4C

W.P. (MD) No.17338 of 2017
14.09.2017