



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2017

CORAM

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

WEB COPY

W.P.(MD) No. 18023 of 2017

M.Namasivayam

... Petitioner

-Vs-

1. The Superintendent of Police,
Kanyakumari District.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to grant permission to perform the "Cultural Program" to be conducted on 18.10.2017 night at about 08.00 a.m., to 09.00 p.m., at Meenakshi Nagar, Irulappapuram, Agastheeswaram Taluk, Vadiveeswaram Village, Kottar - 629 002, Kanyakumari District, and to provide adequate police protection based on the petitioner's representation dated 14.09.2017.

For Petitioner : Mr.S.R.Anbarasu

For Respondents : 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 seeking a direction to the 2nd respondent to grant permission to perform the "Cultural Program" to be conducted on 18.10.2017 night at about 08.00 a.m., to 09.00 p.m., at Meenakshi Nagar, Irulappapuram, Agastheeswaram Taluk, Vadiveeswaram Village, Kottar - 629 002, Kanyakumari District.

2. Heard the 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 Programme" scheduled to be held on 18.10.2017 at Meenakshi Nagar, Irulappapuram, Agastheeswaram Taluk, Vadiveeswaram Village, Kottar, Kanyakumari District. He further submitted that in this



connection, a representation was given to the respondent on 14.09.2017 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 respondents submitted that this Court may grant permission for "Cultural 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 2nd respondent/The Inspector of Police, Kottar Police Station, Kanyakumari District, is directed to consider the representation of the petitioner, dated 14.09.2017 to give permission and to provide adequate police protection for "Cultural Programme" situated in Meenakshi Nagar, Irulappapuram, Agastheeswaram Taluk, Vadiveeswaram Village, Kottar, Kanyakumari District, scheduled to be held on 18.10.2017, subject to the following conditions;

*(a) the "Cultural Programme" situated in Meenakshi Nagar, Irulappapuram, Agastheeswaram Taluk, Vadiveeswaram Village, Kottar, Kanyakumari District, scheduled to be held on 18.10.2017 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.

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

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District.

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

+ 1 CC TO MR.S.R.Anbarasu, ADVOCATE IN SR No. 80794

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.81145

mm/cmr

MK/SKN RSK/SAR-2/05.10.2017/3P/5C

W.P.(MD) No. 18023 of 2017
22.09.2017