



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2017

CORAM

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

W.P.(MD) No.18153 of 2017

WEB COPY

S.Vaithilingam

...Petitioner

-Vs-

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Oothumalai Police Station,
Oothumalai,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate steps on the petitioner's representations dated 01.09.2017 and 20.09.2017 to grant permission to conduct the Musical concert scheduled on 09.10.2017 during "Arulmigu Kaliyamman Temple Festival" at Kadanganeri, Alangulam Taluk, Tirunelveli District.

For Petitioner : Mr.H.Elango

For Respondents : Mr.A.K.Baskara Pandian,
Special Government Pleader.O R D E R

This Writ petition is filed for issuing a Writ of Mandamus seeking a direction to the 1st and 2nd respondents to take appropriate steps on the petitioner's representations dated 01.09.2017 and 20.09.2017 to grant permission to conduct the Musical concert scheduled on 09.10.2017 during "Arulmigu Kaliyamman Temple Festival" at Kadanganeri, Alangulam Taluk, Tirunelveli 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 "Musical Concert" scheduled to be held on 09.10.2017, in connection with "Arulmighu Kaliyamman Temple Festival, at Kandanganeri, Alangulam Taluk, Tirunelveli District. The learned counsel for the respondents further submitted that in this connection, a representation was given to the respondent on 01.09.2017 and 20.09.2017 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 "Musical Concert" 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, Oothumalai Police Station, Oothumalai, Tirunelveli District, is directed to consider the representation of the petitioner, dated 01.09.2017 and 20.09.2017 and to give permission and to provide adequate police protection for "Musical Concert" in connection with "Arulmighu Kaliyamman Temple Festival, at Kadanganeri, Alangulam Taluk, Tirunelveli District, scheduled to be held on 09.10.2017, subject to the following conditions;

(a) the "Musical Concert" in connection with "Arulmighu Kaliyamman Temple Festival, at Kadanganeri, Alangulam Taluk, Tirunelveli District, scheduled to be held on 09.10.2017 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



(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,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Oothumalai Police Station,
Oothumalai,
Tirunelveli District.

+1cc to Special Government Pleader, SR.No. 81162
+1cc to M/S.H.Elango, Advocate SR.No. 80621

W.P.(MD) No. 18153 of 2017
22.09.2017

cmr/mm
JM/SV MMS/SAR 3/04.10.2017/3P/5C