



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2017

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

W.P.(MD) No.19488 of 2017

N.Tharmaraj

... Petitioner

-Vs-

The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Pavoorchathiram,
Thirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to calling for the records relating to the impugned order undated passed by the respondent and quash the same and consequently direct the respondent to grant permission for conducting "Musical Orchestra" to be held on 31.10.2017 at about 08.00 p.m in the eve of the temple festival of "Sri Muppidthiamman Kovil" Ayyanur, Sivanadanur Post, Tirunelveli District.

For Petitioner : Mr.V.Sasikumar

For Respondent : Mr.D.Muruganantham,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order undated passed by the respondent and quash the same and consequently direct the respondent to grant permission for conducting "Musical Orchestra" to be held on 31.10.2017 at about 08.00 p.m in the eve of the temple festival of "Sri Muppidthiamman Kovil" Ayyanur, Sivanadanur Post, Tirunelveli District.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Musical Orchestra" programme in connection with a festival in "Sri Muppidthiamman Kovil" Ayyanur, Sivanadanur Post, Tirunelveli District. He would further submit that in this connection, a



representation was given to the respondent on 11.10.2017, with a request to grant permission and protection to conduct the programme on the above said date and the respondent Police has rejected the permission stating that the peoples belong to different communities would come and that therefore, there is a likelihood of law and order problem and hence, the petitioner is before this Court with this Writ Petition.

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

4. The permission to cultural event in relation to temple festival is being granted by this Court almost in every case subject to stringent conditions so as to ensure maintenance of law and order and communal harmony. Mere apprehension is not a ground to deny such permission. Hence, the impugned order dated 11.10.2017 passed by the respondent is set aside and the Writ Petition is allowed subject to the following directions:-

The respondent / The Sub-Inspector of Police, Pavoorchathiram Police Station, Thirunelveli District, is directed to consider the representation of the petitioner, dated 11.10.2017 and to give permission and to provide police protection for "Musical Orchestra" programme in connection with a festival in "Sri Muppudathiamman Kovil" Ayyanur, Sivanadanur Post, Tirunelveli District" scheduled to be held on 31.10.2017, subject to the following conditions;

(a) the "Adal Padal" programme in connection with a festival in "Sri Muppudathiamman Kovil" Ayyanur, Sivanadanur Post, Tirunelveli District." scheduled to be held on 31.10.2017 should be completed before 10.30 p.m., or as may be permitted by the respondent police.

(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) There should not be any Flex Boards representing any community or political leaders;

(f) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

<https://hcservices.ecourts.gov.in/hcservices>
 (cont.) 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.

5. The respondent is at liberty to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity so as to maintain law and order and communal harmony. There can be a total ban for putting up any Flex Boards representing any community. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub-Assistant Registrar

To

The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Pavoorchathiram,
Thirunelveli District.

+One cc to Mr.V.Sasikumar, Advocate, SR.No.83491

+One cc to The Special Government Pleader, SR.No.83519

trp/dss

RL/4C/3P/JC/SAR1/30/10/2017

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