



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

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

W.P. (MD) No.23729 of 2017

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M.Ponnumani

... Petitioner

Vs.

State represented by,
The Sub Inspector of Police,
Veerakeralampudur Police Station,
Tirunelveli District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to permit the petitioner to conduct the cultural function viz., "Music Concert Program" during Pongal Festival of "Thaithirunal Pongal and Game festival", at No: 12/17 Ambigai Nagar, Keelaveeranam, Veerakeralampudur Taluk, Tirunelveli District on 14.01.2018 between 7.00 p.m to 12.00 p.m, and further direct the respondent to give adequate police protection for the above said programme.

For Petitioner : Mr.K.Veilmuthu

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

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondent to permit the petitioner to conduct the cultural function viz., Music Concert Programme during Pongal Festival of "Thaithirunal Pongal and Game festival", at No: 12/17 Ambigai Nagar, Keelaveeranam, Veerakeralampudur Taluk, Tirunelveli District, on 14.01.2018 between 7.00 p.m to 12.00 p.m, and further direct the respondent to give adequate police protection for the above said programme.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct Music Concert programme on



14.01.2018 in connection with "Pongal" festival of "Thaithirunal Pongal and Game festival", in No: 12/17 Ambigai Nagar, Keelaveeranam, Veerakeralampudur Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 19.12.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the second respondent police has not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondent submitted that this Court may grant permission for Music Concert 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 Sub Inspector of Police, Veerakeralampudur Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 19.12.2017 and to give permission and to provide police protection for Music Concert programme in connection with "Pongal" festival of "Thaithirunal Pongal and Game festival", in No: 12/17 Ambigai Nagar, Keelaveeranam, Veerakeralampudur Taluk, Tirunelveli District, scheduled to be held on 14.01.2018, subject to the following conditions;

*(a) the Music Concert programme in connection with "Pongal" festival of "Thaithirunal Pongal and Game festival", in No: 12/17 Ambigai Nagar, Keelaveeranam, Veerakeralampudur Taluk, Tirunelveli District, scheduled to be held on 14.01.2018 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 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;

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(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. 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. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

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

+1cc to Mr.K.VEIL MUTHU, Advocate, SR.94534

+1cc to M/S.Special Government Pleader, SR. 94832

W.P. (MD) No.23729 of 2017
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