



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.8871 of 2017

T.Gunabalan

... 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 this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent dated 06.05.2017 and quash the same as illegal, consequently, direct the respondent to permit the petitioner to perform music concert on 12.05.2017 from 7.00 P.M. onwards during the temple festival of Sri Karuppasamy Temple, Thirumalapuram Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.D.Venkatesh

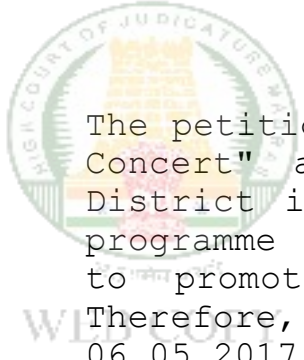
For Respondents : Mr.V.Muruganandhan,
Additional Government Pleader

ORDER

(Order of the Court was made by T.RAJA, J)

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent herein, dated 06.05.2017, and quash the same as illegal and to direct the respondent herein to permit the petitioner to perform "Music Concert" on 12.05.2017 from 7.00 P.M. onwards during the temple festival of Sri Karuppasamy Temple, Thirumalapuram Village, Tenkasi Taluk, Tirunelveli District.

2. Learned counsel for the petitioner submitted that the petitioner is the resident of the said village and the said temple festival is being conducted in Sri Karuppasamy Temple from time immemorial. The festival is scheduled to be held on 12.05.2017.



The petitioner and other villagers have decided to organise "Music Concert" at Thirumalapuram Village, Tenkasi Taluk, Tirunelveli District in connection with Sri Karuppasamy Temple festival. The programme is being conducted by the villagers regularly in order to promote harmony during the above said festival period. Therefore, the petitioner submitted a representation, dated 06.05.2017 to the respondent, requesting him to grant permission therefor. The said representation has been rejected, on the same day, by way of the present impugned order, without assigning any valid reason and hence, challenging the same, the petitioner has filed the present writ petition for the above mentioned relief.

3. Heard the learned Special Government Pleader appearing for the respondents on the above submissions made by the learned counsel for the petitioner.

4. A perusal of the impugned order shows that the permission sought for by the petitioner has been rejected without assigning any valid reason. Further, this order cannot be sustained as it is a blanket order refusing permission for particular area. We do not find any justification or application of mind of the respondent. Considering the same, this Court passes the following order:-

"The impugned order dated 06.05.2017 is set aside and the respondent is directed to grant permission to the petitioner to conduct "Music Concert" at Thirumalapuram Village, Tenkasi Taluk, Tirunelveli District in connection with Sri Karuppasamy Temple festival, subject to the following conditions:

i)The event shall be conducted in an organized and peaceful manner without causing law and order problem.

ii)There shall not be any songs conveying obscene and double meaning played.

iii)The musical concert shall be restricted between 6.00 p.m and 11.00 p.m. on 12.05.2017.

iv)If there is any violation of the above said conditions, the respondent or the duly authorised officer is entitled to take necessary action as per law and stop such performance.

5. This Writ Petition is accordingly allowed. No costs.

Sd/-

Assistant Registrar()

/TRUE COPY/

Sub Assistant Registrar



To

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

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+1 cc to MR.D.Venkatesh , ADVOCATE, SR NO:56223

+1 CC to M/S.SPL.GOV.T.PLEADER, SR NO: 56339

JAM/11.05.17/JC/SAR 4/ 3p-4c

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10.05.17