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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.05.2017

CORAM:

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN
and
THE HON'BLE Mr.JUSTICE N.SESHASAYEE

W.P(MD)No.9223 of 2017

Lachumanathevar

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Srivaikundam Division,
Thoothukudi District.

3.The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to give permission the the petitioner to organize a Music orchestra program on 19.05.2017 from 06.00 p.m. to 10.00 p.m. at Mela Siriyanthur with light and sound by considering the petitioner's representation dated 13.05.2017.

For Petitioner : Mr.K.Jegan

For Respondents : Mr.M.Alaga Thevan,
Special Government Pleader.

O R D E R

(Order of the court was made by **M.V.MURALIDARAN,J.**)

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to give permission the the petitioner to organize a Music orchestra programme on 19.05.2017 from 06.00 p.m. to 10.00 p.m. at Mela Siriyanthur with light and sound by considering the petitioner's representation dated 13.05.2017.

2.The learned Special Government Pleader, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.



3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. The learned counsel appearing for the petitioner would submit that the programme is being conducted by the villagers regularly in order to promote harmony during the above said festival period; that a representation was given to the respondent concerned, but, however, the same was not considered by the respondents so far and hence, the petitioner is before this Court with this writ petition. The learned counsel appearing for the petitioner would further submit that as the aforesaid festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this celebration.

5. The learned Special Government Pleader appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner may be granted with appropriate and stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such programme.

6. In view of the submission made by the learned Special Government Pleader, the Writ Petition is disposed of with a direction to the respondent concerned to accord permission and police protection to conduct the Orchestra Programme in connection with the above said festival of the said Temple for above said dates between 07.00 p.m. and 10.00 p.m., by incorporating the following conditions:

(a) Songs conveying obscene double meaning should not be played in order to avoid awkwardness;

(b) No songs, touching upon the conduct of any political party or community or caste be played;

(c) No flex boards in support of any political party or religious leader be erected;

(d) The programme shall be conducted without showing any discrimination based on caste / community etc., and it shall be ensured that it is towards promoting communal harmony;

(e) the participants of the programme shall not intake any kind of intoxicating substance or liquor during the programme;

(f) In respect of untoward incident occurring, the organizers of the programme be responsible for the same; and

<https://hcservices.ecourts.gov.in/hcservices/> organizers shall have the names and other particulars of performers; and



(h) If there is any violation of any of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance. No costs.

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/True copy/

Sd/-

Vacation officer

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
 - 2.The Deputy Superintendent of Police,
Srivaikundam Division,
Thoothukudi District.
 - 3.The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.
- +1cc to Mr.K.Jegan, Advocate, SR.56660

W.P. (MD) No.9223 of 2017
17.05.2017

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