



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.05.2018

CORAM

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THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P.(MD)No.11740 of 2018

I.Stephen Selvaraj

.. Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Tenkasi Sub-Division,
Tenkasi, Tirunelveli District.

3.The Inspector of Police,
Aykudi Police Station,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the impugned order passed by the second respondent in Na.Ka.No.286/Thu.Kaa.Ka.The.A/2018, dated 15.05.2018 and quash the same as illegal and consequently direct the respondents to give permission to perform Senda Melam infront of the Car Festival moving through village and grant permission to conduct Musical Programme at about 09.00 p.m., to 12.00 p.m in connection with Punitha Anthoniyar Church Aalaya Festival scheduled to be held on 13.06.2018 at Agarakattu Village, Aykudi, Kadaiyanallur Taluk, Tirunelveli District.

For Petitioner : Mr.V.Thirumal

For Respondents : Mr.P.Karuppasamy
Government Advocate

O R D E R

The prayer in this writ petition is to call for the impugned order passed by the second respondent in Na.Ka.No.286/Thu.Kaa.Ka.The.A/2018, dated 15.05.2018 and quash the same as illegal and consequently direct the respondents to give permission to perform Senda Melam infront of the Car Festival moving through village and grant permission to conduct Musical



Programme at about 09.00 p.m., to 12.00 p.m in connection with Punitha Anthonyiar Church Aalaya Festival scheduled to be held on 13.06.2018 at Agarakattu Village, Aykudi, Kadaiyanallur Taluk, Tirunelveli District.

2. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing on behalf of the respondents.

3. In an identical matter, a Division Bench of this Court in an order passed in ***W.P.(MD) No.8975 of 2017 dated 10.05.2017 [M.Sakthi Vs. State rep. by the Inspector of Police, Odapatti Police Station, Odapatti, Theni District]***, had granted permission to the petitioner to conduct cultural programme on certain conditions. The said conditions read as follows:

"a) The event shall be conducted in an organised and peaceful manner without causing law and order problem.

b) There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.

c) The music performance shall be restricted between 6.00 p.m. and 11.00 p.m.

d) 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.

e) In case if there is any discrepancy with regard to the date on which the program is to be conducted, it would be open to the respondent police to extend protection on some other day after giving due notice to the petitioner".

4. I am of the view that similar conditions may also be imposed in the present writ petition. Consequently, the Writ Petition Stands allowed and the impugned order passed by the second respondent is set aside and the third respondent is directed to grant permission to perform Senda Melam in front of the Car Festival moving through village and to conduct Musical Programme at about 09.00 p.m., to 12.00 p.m in connection with Punitha Anthonyiar Church Aalaya Festive scheduled to be held on 13.06.2018 at Agarakattu Village, Aykudi, Kadaiyanallur Taluk, Tirunelveli District, subject to the aforesaid conditions. There shall be no order as to costs.

Sd/-

Assistant Registrar

/True copy/



To

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

2.The Deputy Superintendent of Police,
Tenkasi Sub-Division,
Tenkasi, Tirunelveli District.

3.The Inspector of Police,
Aykudi Police Station,
Tirunelveli District.

+1 cc to MR.V.THIRUMAL, Advocate SR.No.66305

+1 cc to Special Government Pleader SR.No.66395

W.P. (MD) No.11740 of 2018

30.05.2018

SMA/VR/S-3/04.06.2018:3P/6C