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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.08.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD).No.18119 of 2018
and
W.M.P.[MD].No.16019 of 2018

S.Balasubramanian

...Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Moontradaippu Police Station,
Tirunelveli District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the order passed by the second respondent dated 13.08.2018 and quash the same and consequent direction may be issued to the second respondent to give permission and protection to the "Light Music Program" to conducted on 21.08.2018 in the temple festival in "Manthramoorthy Swami Temple", A.Sattankulam Village at 08.00 p.m by reconsidering the application dated 13.08.2018 within stipulated time.

For Petitioner :Mr.T.A.Ebenezer

For Respondents :Mr.B.Bhagawathi
Government Advocate

O R D E R

This Writ Petition has been filed challenging the order passed by the second respondent dated 13.08.2018 wherein the application given by the petitioner for permission to conduct the "Light Music Programme" has been rejected .

2.The learned counsel for the petitioner would submit that every year, the festival used to be conducted in "Manthramoorthy Swami Temple", at A.Sattankulam Village from 20.08.2018 to 22.08.2018 and "Light Music Programme" is also conducted during the said festival. The petitioner applied for permission and also for protection to the second respondent, by application dated 13.08.2018 to permit the petitioner to conduct the "Light Music Programme". The second respondent by order dated 13.08.2018 has rejected the said application, only on the ground that it may give raise to law



and order problem.

3.Per contra, Mr.B.Bhagawathi, learned Government Advocate appearing for the respondents would submit that, since this programme will be attended by persons belonging to various communities, there is a possibility of law and order problem. The learned Government Advocate would further submit that the second respondent has taken into consideration the prevailing situation and only thereafter has rejected the permission.

4.This Court has carefully considered the submissions made on either side.

5.The petitioner has only sought for the permission of the second respondent and also protection from the second respondent to conduct the "Light Music Programme" in the temple on 21.08.2018 at 08.00 p.m. There is absolutely no material for this Court to come to a conclusion that there will be a law and order problem created by permitting the "Light Music Programme" to be conducted. Admittedly, there is no rival party who is objecting the conducting of this programme. In fact by allowing this "Light Music Programme", the people belonging to the village will be able to enjoy good music.

6.The second respondent is directed to permit the petitioner to conduct the "Light Music Programme" and also to give protection for the said program on 21.08.2018 at Manthramoorthy Swami Temple, A.Sattankulam Village, subject to the following conditions:-

"(a)It is made clear that this order is issued only to enable the petitioner to conduct the music programme namely, "Light Music Program" and not for conducting any other programme;

(b)the timing of the programme in connection with the festival of "Manthramoorthy Swamy Temple", situated at A.Sattankulam Village scheduled to be held from 21.08.2018 shall be extended beyond usual time and the petitioner is permitted to conduct the religious and non-religious functions simultaneously till 02.00 am., on the next day.

(c)there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(d)double meaning songs should not be played so as to spoil the minds of students and the youth;

(e)no dance or songs, touching upon any political party or religion, community or caste be played;

(f)no flex boards in support of any political party



or religious leader be erected;

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

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(h) 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.

(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."

7. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar (CS-IV)

To

1. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Moontradaippu Police Station,
Tirunelveli District.

+1cc to Mr. T. A. Ebenezer, Advocate, SR.No.79245

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