



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESHW.P.(MD).No.18368 of 2018

WEB COPY

S.Selvakumar

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Ambasamuthiram Sub-Division,
Tirunelveli Distirct.

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

...Respondents

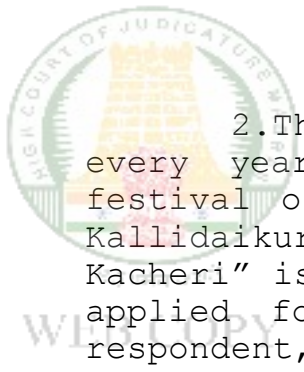
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order of the second respondent dated 17.08.2018 in Na.Ka.No.387/Se.Mu.Aa/Ka.Thu.Ka/2018 and set aside the same and consequently direct the second respondent to grant permission for conducting Iyya Vazhi Innisai Kacheri in connection with Kodaivizha festival of Ayya Sriman Narayanaswamy and cultural events in Melmugam Nadar Street, Kallidaikurichi, Tirunelveli District with adequate police protection.

For Petitioner
For Respondents

:Mr.G.Aravinthan
: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 17.08.2018 in Na.Ka.No.387/Se.Mu.Aa/Ka.Thu.Ka/2018, wherein the application given by the petitioner for permission to conduct the "Iyya Vazhi Innisai Kacheri on 25.08.2018, in connection with Kodaivizha festival of Ayya Sriman Narayanaswamy and cultural events in Melmugam Nadar Street, Kallidaikurichi, Tirunelveli District" has been rejected .



2.The learned counsel for the petitioner would submit that every year, the festival used to be conducted in "Kodaivizha festival of Ayya Sriman Narayanaswamy", at Melmugam Nadar Street, Kallidaikurichi, Tirunelveli District and "Iyya Vazhi Innisai Kacheri" is also conducted during the said festival. The petitioner applied for permission and also for protection to the second respondent, by application dated 22.07.2018 to permit the petitioner to conduct the "Innisai Kacheri". The second respondent by order dated 17.08.2018 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, the second respondent had taken such a decision only to ensure that such programmes do not extend beyond 10.00 pm., in the night. It is also submitted that similar orders have been passed in many of the cases and the petitioner has not been discriminated.

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 "Iyya Vazhi Innisai Kacheri" . 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 "Iyya Vazhi Innisai Kacheri" to be conducted. Admittedly, there is no rival party who is objecting the conducting of this programme. In fact by allowing this "Iyya Vazhi Innisai Kacheri", 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 "Iyya Vazhi Innisai Kacheri" and also to give protection for the said program at Melmugam Nadar Street, Kallidaikurichi, Tirunelveli District, 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, "Iyya Vazhi Innisai Kacheri" and not for conducting any other programme;

(b)the timing of the programme in connection with the festival of "Kodaivizha festival of Ayya Sriman Narayanaswamy", situated at Melmugam Nadar Street, Kallidaikurichi, Tirunelveli District scheduled to be held on 25.08.2018 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;

(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.

sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

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

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



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

+1CC to Mr.G.Aravinthan Advocate in SR.No.79918.

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DS/RSKS/SAR-1 :24.08.2018: 4P/5C

W.P. (MD) .No.18368 of 2018
23.08.2018