

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2019

C O R A M

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.14139 of 2019

R.Narayanamoorthy ...Petitioner
Vs.

- 1.The Superintendent of Police,
Cuddalore District,
Cuddalore.
- 2.The Sub-Inspector of Police,
Orathur Police Station,
Cuddalore District. ...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the second respondent to grant permission and protection to conduct cultural Archestra program to be held on 10.05.2019 at Sri Thowpathai Amman Kovil, Vadapakkam Village, Odakkanallur Post, Chidambaram Taluk, Cuddalore District.

For Petitioner :Mr.M.Kavikannan

For Respondents :Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed for a direction to the second respondent to grant permission and protection to conduct cultural Archestra program to be held on 10.05.2019 at Sri Throwpathai amman kovil, Vadapakkam Village, Odakkanallur Post, Chidambaram Taluk, Cuddalore District.

2.The learned counsel for the petitioner would submit that every year, Kodai Festival is being conducted at Sri Throwpathai amman kovil, Vadapakkam Village, Odakkanallur Post, Chidambaram Taluk, Cuddalore District and cultural Archestra program is also conducted during the said festival. The petitioner applied for permission and also for protection to the respondents, by application dated 01.05.2019 to permit the petitioner to conduct the Archestra program. However, no order has been passed by the

respondents on the application of the petitioner.

3.Ms.M.Prabhavathi, learned Additional Public Prosecutor 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.

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

5.The petitioner has only sought for the permission of the respondents and also protection from the respondents to conduct the Archestra program on 10.05.2019. 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 "Archestra program" to be conducted. Admittedly, there is no rival party who is objecting the conducting of this programme. In fact by allowing this Archestra program, the people belonging to the village will be able to enjoy good music.

6.The second respondent is directed to consider the petitioner's application dated 01.05.2019 and grant permission to the petitioner to conduct the Archestra program and also to give protection for the said programme on 10.05.2019, 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, "Archestra program" and not for conducting any other programme;

(b)The timing of the programme in connection with Kodai Festival being conducted are Sri Throwpathai amman kovil, Vadapakkam Village, Odakkanallur Post, Chidambaram Taluk, Cuddalore District to be held on 10.05.2019 shall be permitted from 7.00pm to 10.00pm.

(c)There should not be any kind of obscene dance or vulgar dialogues during the performance;

(d)No double meaning songs should be played during the programme;

(e)No dance or song, touching upon any political party, religion, community or caste should be played;

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

(g)The function should not affect either religious or communal harmony and shall be conducted without any caste discrimination;

(h)If any of the aforesaid conditions is violated, the Police Officer concerned is at liberty to take necessary action in accordance with law and stop such performance.

(i)The participants of the programme should not intake any kind of intoxicant or liquor during the programme; and

(j)If any untoward incident takes place, the organizers of the programme be held responsible for the same."

7.The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(VO)

//True Copy//

Sub Assistant Registrar

BRI/RST

To

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

2.The Sub-Inspector of Police,
Orathur Police Station,
Cuddalore District.

+2 cc's to Mr.M.kavikannan, Advocate, Sr.No. 43438

W.P.No.14139 of 2019

CP(CO)
CSL/09.05.2019

WEB COPY