



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.05.2019
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THE HONOURABLE MR. JUSTICE T. KRISHNAVALLI

WEB COPY

W.P. (MD) No. 11693 of 2019

and

W.M.P. (MD) No. 8878 of 2019

M. Ramesh

... Petitioner

Vs.

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

2. The Sub Inspector of Police,
Pazhavor Police Station,
Pazhavor,
Tirunelveli District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the second respondent in No.Nill dated Nill and quash the same as illegal and unconstitutional in so far as time restriction alone, consequently directing the second respondent to forthwith grant permission and police protection for "Innisai Katcheri" (Musical program) 08.00 p.m., to 12.00 p.m., on 21.05.2019 and 24.05.2019 and Drama on 20.05.2019, 25.05.2019, 26.05.2019 and 30.05.2019 as an indoor program from 08.00 p.m., to 12.00p.m., in connection with "Temple Festival" of Sri Mutharamman Amman Temple at Madanpillaidharmam, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mrs.S.Bharathi

Government Advocate

ORDER

This writ petition has been filed to call for the records relating to the order passed by the second respondent in No.Nill dated Nill and quash the same as illegal and unconstitutional in so far as time restriction alone, consequently directing the second respondent to forthwith grant permission and police protection for "Innisai Katcheri" (Musical program) 08.00 p.m., to 12.00 p.m., on 21.05.2019 and 24.05.2019 and Drama on 20.05.2019, 25.05.2019, 26.05.2019 and 30.05.2019 as an indoor program from 08.00 p.m., to 12.00p.m., in connection with "Temple Festival" of Sri Mutharamman Amman Temple at Madanpillaidharmam, Radhapuram Taluk, Tirunelveli District.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The learned counsel for the petitioner would submit that the Villagers have conducted cultural programme for the temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct cultural programme I.e., Innisai Katcheri (musical program) on 21.05.2019 and 24.05.2019 and Drama on 20.05.2019, 25.05.2019, 26.05.2019 and 30.05.2019. In this regard, the petitioner gave a representation to the respondents on 29.04.2019. Since the respondent police rejected the permission sought for by the petitioner, the present writ petition has been filed challenging the said order of rejection.

4. The learned Government Advocate (Crl. Side) appearing for the respondents, on instructions, would submit that the respondents have no serious objection. She further submitted that permission may be granted subject to stringent conditions.

5. Considering the facts and circumstances of the case, this Court quashes the order passed by the respondent police and directs the respondent police to grant permission to conduct "Innisai Katcheri" (Musical program), on 21.05.2019 and 24.05.2019 and Drama on 20.05.2019, 25.05.2019, 26.05.2019 and 30.05.2019 between 06.00 p.m., and 11.00 p.m., and the Writ Petition is disposed of with the following directions:

The second respondent / Sub Inspector of Police, Pazhavor Police Station, Pazhavor, Tirunelveli District, is directed to reconsider the representation of the petitioner, dated 29.04.2019 and to give permission and to provide police protection for the "Innisai Katcheri" (Musical program) and Drama in connection with "Temple Festival" of Sri Mutharamman Amman Temple at Madanpillaidharmam, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 21.05.2019, 24.05.2019, 20.05.2019, 25.05.2019, 26.05.2019 and 30.05.2019, subject to the following conditions:-

(a) Innisai Katcheri (Musical program) and Drama in connection with "Temple Festival" of Sri Mutharamman Amman Temple at Madanpillaidharmam, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 21.05.2019, 24.05.2019, 20.05.2019, 25.05.2019, 26.05.2019 and 30.05.2019, should be completed before 11.00 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(c) Double meaning songs should not be played as they will spoil the minds of students and youths.



(d) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) If there is 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 forthwith; and

(h) Similarly, the police is directed to stop the dance programme, if it is conducted beyond the permitted time limit.

(i) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.

6. It is open to the second respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquility. There can be a total ban for putting up any Flex Board representing any community.

7. Since the function is scheduled to be held on 21.05.2019, 24.05.2019, 20.05.2019, 25.05.2019, 26.05.2019 and 30.05.2019 and the order copy may not be able to issue by then, the learned Government Advocate (Crl. Side) is directed to instruct the authority concerned to grant permission in the manner known to law herein indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

/ True Copy /

Sub Assistant Registrar(CS)

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To

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



2.The Sub Inspector of Police,
Pazhavor Police Station,
Pazhavor,
Tirunelveli District.

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+1 CC to M/s.S.BALAMURUGAN, Advocate
(SR-65502[F] dated 09/05/2019)

Order made in
W.P. (MD) No.11693 of 2019
08.05.2019

ES/14.05.2019/4P/4C