



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.4803 of 2019

K.Eric Jude

... 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 consequently directing the second respondent to forthwith grant permission and police protection for "Innisai Katcheri" (Musical program) as an indoor program which scheduled to be held on 04.03.2019 from 08.00 p.m., to 12.00 p.m., in connection with "Church Festival" of Saint Joseph Church at Kootapuli, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mrs.S.Bharathi

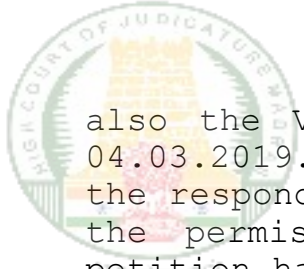
Government Advocate

**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 consequently directing the second respondent to forthwith grant permission and police protection for "Innisai Katcheri" (Musical program) as an indoor program which scheduled to be held on 04.03.2019 from 08.00 p.m., to 12.00 p.m., in connection with "Church Festival" of Saint Joseph Church at Kootapuli, 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 on 04.03.2019. In this regard, the petitioner gave a representation to the respondents on 20.02.2019. 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.

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondents, on instructions, would submit that the respondents have no serious objection. He 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 04.03.2019 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 20.02.2019 and to give permission and to provide police protection for the "Innisai Katcheri" (Musical program) in Saint Joseph Church at Kootapuli, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 04.03.2019, subject to the following conditions:-*

(a) Innisai Katcheri" (Musical program) done in Saint Joseph Church at Kootapuli, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 04.03.2019, 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 third 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 04.03.2019 and the order copy may not be able to issue by then, the learned Government Advocate (Crl. Side) is directed to institute the authority concerned to grant permission in the manner known to law herein indicated above. No costs.

Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar (CS)

To

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

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

+1 CC to M/s.S.BALAMURUGAN, Advocate SR-51142[F] dated 01/03/2019 )

sp/08.04.2019/3p/4c

Order made in  
W.P.(MD)No.4803 of 2019