



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.6736 of 2019

Ganesan

... Petitioner

/Vs./

1. The State rep. by
The Superintendent of Police,
Thanjavur District.

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to grant permission and give necessary police protection for conducting "Music Programmes and Cultural Activities" on 21.03.2019 in connection with festival of Arulmigu Parithiyappar Temple which is situated at Kila Venkai Nadu Village, Orathanadu Taluk, Thanjavur District on the basis of the petitioner's representation dated 19.03.2019.

For Petitioner	: Mr.B. Jameel ARasu
For Respondents	: Mrs.S.Bharathi,
	Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking to direct the respondents herein to grant permission and necessary police protection for conducting "Music Programmes and Cultural Activities" on 21.03.2019 in connection with festival of Arulmigu Partithiyappar Temple which is situated at Kila Venkai Nadu Village, Orathanadu Taluk, Thanjavur District on the basis of the petitioner's representation dated 19.03.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

3. The learned counsel for the petitioner would submit that the Villagers have conducted Music Programmes for the temple festival every year peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct Music Program on

21.03.2019. In this regard, the petitioner gave a representation to the respondents on 19.03.2019. Since no action has been taken, the present writ petition has been filed.

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 grants permission to conduct "Music Program" on 21.03.2019 between 06.00 p.m., and 11.00 p.m., and the Writ Petition is disposed of with the following directions:

The second respondent / Orathanadu Police Station, Thanjavur District, is directed to consider the representation of the petitioner, dated 19.03.2019 and to give permission and to provide police protection for Music Program in Arulmigu Partithiyappar Temple which is situated at Kila Venkai Nadu Village, Orathanadu Taluk, Thanjavur District, scheduled to be held on 21.03.2019, subject to the following conditions:-

(a) Music Program done Arulmigu Partithiyappar Temple which is situated at Kila Venkai Nadu Village, Orathanadu Taluk, Thanjavur District, scheduled to be held on 21.03.2019, 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 religious leader be erected;

(f) No price shall be given in the name of any political party or in the name of any Member associated with any political party.

(g) No speech supporting or opposing any political party shall be made in the said tournament. No symbol of any political party or picture of any person affiliated in the political party shall be used

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

(i) 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



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

(k) 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 shall be a total ban for putting up any Flex Board representing any community.

7. Since the function is scheduled to be held day after today i.e., on 21.03.2019 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 (CO)

// True Copy //

Sub Assistant Registrar

trp

To

1.The Superintendant of Police,
Thanjavur District.

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-55789[F] dated
21/03/2019)

Order made in
W.P.(MD)No.6736 of 2019

21.03.2019