



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2019

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

WEB COPY

W.P. (MD) No.8525 of 2019

S.Murugan

.. Petitioner

Vs.

1.The Superintendent of Police,  
Tirunelveli District.2.The Inspector of Police,  
Alwarkurichi Police Station,  
Tirunelveli District.3.The Sub-Inspector of Police,  
Alwarkurichi Police Station,  
Tirunelveli District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to grant permission to conduct the Innisai Kacheri [Orchestra] scheduled to be held on 19.04.2019 between 08.00 p.m. to 12.00 a.m. at Jeeva Kalaiyarangam, North Pappankulam, Ambasamudram Taluk, Tirunelveli District, by considering the petitioner's representation dated 03.04.2019.

For Petitioner :Mr.R.Vinoth Bharathi

For Respondents:Mrs.S.Bharathi

Government Advocate  
(Criminal side)**O R D E R**

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to grant permission to conduct the Innisai Kacheri [Orchestra] scheduled to be held on 19.04.2019 between 08.00 p.m. to 12.00 a.m. at Jeeva Kalaiyarangam, North Pappankulam, Ambasamudram Taluk, Tirunelveli District, by considering the petitioner's representation dated 03.04.2019.

2.According to the petitioner, he is the President of Ther Thiruvila Committee and the entire Village people celebrated the Ther Thiruvila for the past 99 years. Now, this year also, the Committee has decided to conduct 100<sup>th</sup> Ther Thiruvila of Arulmigu Ramasamy Kovil and therefore, the petitioner has sent a representation on 03.04.2019 to the respondents 1 and 3 herein to grant permission for conducting Innisai Kacheri (Orchestra) as well



as to provide adequate police protection on 19.04.2019 at 8.00 p.m. to 12.00 a.m. at Jeeva Kalaiyarangam, North Pappankulam, Ambasamudram, Tirunelveli District, but the same was not considered by them and hence, the present Writ Petition.

3. The learned counsel for the petitioner submitted that for the past 10 years the said Innisai Kacheri was conducted in a peaceful manner without any law and order problem and therefore, he prayed that a direction may be issued to grant permission to conduct the said Programme.

4. The learned Government Advocate (Criminal side) appearing for the State submitted that during election process, there is a ban to conduct the programme beyond 10.00 p.m. and if the petitioner gives a fresh representation to the second respondent, restricting the time limit from 08.00 p.m. to 11.00 p.m., for conducting the said programme, the same will be considered by him.

5. Recording the above said submission made by the learned Government Advocate (Criminal side), the petitioner is directed to give a fresh representation to the second respondent restricting the time limit as mentioned above. If any such representation is received, the second respondent shall consider the same and grant permission by imposing the following conditions:-

(a) Innisai Kacheri [Orchestra] Programme scheduled to be held on 19.04.2019 at Jeeva Kalaiyarangam, North Pappankulam, Ambasamudram, Tirunelveli District, 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 impose any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting up any flex board representing any community.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-)

To

1. The Superintendent of Police,  
Tirunelveli District.

2. The Inspector of Police,  
Alwarkurichi Police Station,  
Tirunelveli District.

3. The Sub-Inspector of Police,  
Alwarkurichi Police Station,  
Tirunelveli District.

4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr. R. Vinoth Bharathi, Advocate, SR.No.60299

W.P. (MD) No. 8525 of 2019  
10.04.2019

SP/10.04.2019/ 3P/6C