



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2020

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P. (MD)No.3533 of 2020

P.Rajakumar

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.

2.The Inspector of Police,
Uthamapalayam Circle,
Odaipatti Police Station,
Uthamapalayam Taluk,
Theni District.

3.The Sub Inspector of Police,
Odaipatti Police Station,
Uthamapalayam Taluk,
Theni District.

...

Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, by directing the respondents to grant permission and necessary protection to perform the cultural programmes with audio systems on the eve of Arulmigu Kaliyamman Kovil Temple Festival at Odaipatti Village, Uthamapalayam Taluk, Theni District which is to be held from 21.02.2020 to 22.02.2020 (two days) from 10.00 pm. To 05.am.

For Petitioner : Mr.A.Karthik

For Respondents : Mrs.S.Bharathi
Government Advocate(Crl.Side)

ORDER

This writ petition has been filed directing the respondents to grant permission and necessary protection to perform the cultural programmes with audio systems on the eve of Arulmigu Kaliyamman Kovil Temple Festival at Odaipatti Village, Uthamapalayam Taluk, Theni District which is to be held from 21.02.2020 to 22.02.2020 (two days) from 10.00 pm. To 05.am.



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

3. The learned Government Advocate(Crl.Side) appearing for the respondents would submit that they have no objections with regard to the conducting of the cultural programme, however, the respondent police raised objections with regard to the time. She would submit that the police does not have any reservations on the place, where the function is to be conducted. However, there is an apprehension that some law and order problem may arise during the tournament. She would also submit that the Director General of Police, in his proceedings in Rc.No.007301/Genl.I(1)/2019 dated 09.04.2019 has issued circular to Commissioner of Police, Superintendent of Police and all the Station Housing Officer and directed them to follow the procedure and instruct the petitioner seeking permission to conduct cultural programs to comply with the conditions and permission may be granted subject to the petitioner agreeing to comply with the said conditions by filing necessary undertaking before the respondent police.

4. The respondent police are directed to grant permission for conducting the Mahasivarathiri and cultural programme on 21.02.2020 and 22.02.2020 (both days from 06.00 p.m to 10.00 p.m) by enclosing the following conditions:

(a) *The programme in connection with festival or any cultural programme, SHO should specify the time.*

(b) *double meaning songs should not be played so as to spoil the minds of students and the youth;*

(c) *no songs, touching upon any political party or religion, community or caste be played;*

(d) *Organizers shall not erect any digital banners/pla cards on either side of the arterial roads, platforms, walkways/major roads and any other roads*

(e) *the function should not affect caste, religious or communal harmony and shall be conducted without any discrimination*

(f) *if there is any 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;*

(g) *similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;*

(h) *the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme;*

(i) *if any untoward incident takes place, the organizers of the programme be made responsible for the same*



(j) the authority concerned shall videograph the entire programme at the cost of the applicant and submit the CD to the S.P concerned.

(k)Organizers shall have to obtain all other required permission from the authorities concerned

(l)Any other conditions as the authority concerned consider to impose according to the ground reality".

5. The petitioner is also directed to ensure that the conditions are strictly complied with and also to ensure that no law and order problem is created in the course of conducting the programme.

6. The writ petition stands disposed of with the above directions. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

/TRUE COPY/

/ /2020

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.

2.The Inspector of Police,
Uthamapalayam Circle,
Odaipatti Police Station,
Uthamapalayam Taluk,
Theni District.

3.The Sub Inspector of Police,
Odaipatti Police Station,
Uthamapalayam Taluk,
Theni District.

+1. C.C. to M/S.A.KARTHIK, Advocate SR.No. 7599

W.P. (MD)No.3533 of 2020

21.02.2020

GNS

JM/SAR 3/21.02.2020/3P/5C