



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2021

CORAM:

THE HONOURABLE **MRS. JUSTICE R. THARANI**

WP(MD)No.3880 of 2021

S.Krishnamoorthy

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy.

2..The Inspector of Police,
Thiruverambur Police Station,
Thiruverambur Taluk
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to grant permission to perform the program of 'Folk Orchestra' on 24.02.2021 night at about 08.00 pm to 12.00 am at Arulmighu Sri Muthumariamman Kovil, Therku Theru, is situated at Keelakuruchi Village, Thiruverambur Taluk, Trichy District.

For Petitioner : Mr.G.Ganesh Kumar

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

By consent, this Writ Petition is taken for final hearing.

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the respondents to grant permission to perform the program of 'Folk Orchestra' on 24.02.2021 night at about 08.00 pm to 12.00 am at Arulmighu Sri Muthumariamman Kovil, Therku Theru, is situated at Keelakuruchi Village, Thiruverambur Taluk, Trichy District.

2. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct 'Folk Orchestra' programme on 24.02.2021 in connection with a festival in Arulmighu Sri Muthumariamman Kovil, Therku Theru, is situated at Keelakuruchi Village, Thiruverambur Taluk, Trichy District. He further submitted that in this connection, a representation was given to the second respondent on 17.02.2021, with a request to grant permission and protection to conduct the programme on the above said date. However, the respondent police have not yet considered the said representation and hence, the petitioner is before this Court with



this Writ Petition.

3. The learned Additional Public Prosecutor for the respondents would submit that the representation of the petitioner dated 17.02.2021 is not yet decided till date.

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4. In view of the submissions made by both parties, this Court is inclined to pass the following direction:-

The second respondent is directed to consider the representation of the petitioner, dated 17.02.2020 and to give permission and to provide police protection for "Folk Orchestra" dance programme in connection with the festival in Arulmighu Sri Muthumariamman Kovil, Therku Theru, is situated at Keelakuruchi Village, Thiruverambur Taluk, Trichy District., scheduled to be held on 24.02.2021, subject to the following conditions;

(a) the "Folk Orchestra" programme in connection with the festival in "Arulmighu Sri Muthumariamman Kovil, Therku Theru, is situated at Keelakuruchi Village, Thiruverambur Taluk, Trichy District., scheduled to be held on 24.02.2021 should be completed before 10.00 p.m.

(b) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

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

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

(e) no flex boards in support of any political party or religious leader be erected;

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

(g) 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;

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

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



programme; and

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

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5. It is open to respondent police to put 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 Boards representing any community.

6. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Superintendent of Police,Trichy.

2.The Inspector of Police,
Thiruverambur Police Station,
Thiruverambur Taluk,Trichy District.

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

WP(MD)No.3880 of 2021

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