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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2022

CORAM

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

W.P(MD).No. 3454 of 2022

Krishnakumar

... Petitioner

Vs.

1. The District Collector,
Tenkasi District,
Tenkasi.

2. The Superintendent of Police,
Tenkasi District,
Tenkasi.

2. The Deputy Superintendent of Police,
Puliyankudi Sub-Division,
Tenkasi District,

4. The Sub Inspector of Police,
Senthamaram Police Station,
Senthamaram,
Tenkasi District.

... Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, To issue a Writ of Certiorari Mandamus, calling for the records of the impugned order passed by the 3rd respondent vide proceedings Na.Ka.No.38/CAMP/SDOP/2022 dated 11.02.2022 and quash the same as illegal and unconstitutional, in so far as the denial of permission for Orchestra (Light Music) Program, consequently direct the respondents to permit the petitioner to conduct (Light Music) Orchestra Program on the eve of Maha Shivarathiri festival on 01.03.2022 at Veliyappa Sastha Temple, Naduvakkurichi, Tenkasi District.

For Petitioner : M/s. S.Balamurugan

For Respondents: Mr.R.M.Anbunithi
No. 1 to 4 Additional Public Prosecutor

ORDER

The prayer in this writ petition is to call for the records of the impugned order passed by the 3rd respondent vide proceedings Na.Ka.No.38/CAMP/SDOP/2022 dated 11.02.2022 and quash the same as illegal and unconstitutional, in so far as the denial of permission for Orchestra (Light Music) Program, consequently direct the



respondents to permit the petitioner to conduct (Light Music) Orchestra Program on the eve of Maha Shivarathiri festival on 01.03.2022 at Veliyappa Sastha Temple , Naduvakkurichi , Tenkasi District.

2. By consent, the writ petition itself is taken up for final disposal.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. The learned counsel appearing for the petitioner would submit that the program is being conducted regularly. He would further submit that the representation given to the respondent was rejected vide the impugned order dated 11.02.2022.

5. The learned Additional Public Prosecutor appearing for the respondents submitted that the request made by the petitioner was rejected on the ground that due to Covid-19 pandemic situation and the local body election, therefore, this writ petition is liable to be dismissed.

6. The fourth respondent is directed to grant permission for conducting the Orchestra (light music) program on 01.03.2022 from 08.00 a.m. to 11. p.m, by enclosing the following conditions:

"a) The event shall be conducted in an organised and peaceful manner without causing law and order problem.

b) There shall not be any obscene or vulgar songs during the program by any one of the participants or others.

c) The program shall be restricted between 6.00 pm., and 11.00 p.m.

d) If there is any violation of the above said conditions, the respondent or the duly authorised officer is entitled to take necessary action as per law and stop such performance.

e) In case if there is any discrepancy with regard to the date on which the program is to be conducted, it would be open to the respondent police to extend protection on some other day after giving due notice to the petitioner

f) The restrictions have now been lifted and permitted to gather not more than 50 persons for the festival function.

g) The fourth respondent is directed to strictly adhere to the Standard Operating Procedure adopted by the Government of Tamil Nadu.'



7. 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 program.

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8. The writ petition stands disposed of with the above directions and the order passed by the third respondent is quashed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :Issue order copy on 25.02.2022

To

1. The District Collector,
Tenkasi District,
Tenkasi.
2. The Superintendent of Police,
Tenkasi District,
Tenkasi.
3. The Deputy Superintendent of Police,
Puliyankudi Sub-Division,
Tenkasi District,
4. The Sub Inspector of Police,
Senthamaram Police Station,
Senthamaram,
Tenkasi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-8161[F] dated 23/02/2022)

W.P (MD) .No.3454 of 2022
23.02.2022

TR(25.02.2022) 3P 7C