



W.P(MD)No.817 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.817 of 2023

P.Thangaraj

... Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District, Virudhunagar,

2.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned order of rejection passed by him in Na.Ka. No.01/Va.Ka.Va./2023, dated 05.01.2023 and quash the same as illegal and arbitrary and consequently, directing the respondents to grant permission and necessary protection to perform the cultural programme with public Addressing System (Radio Sound System) (i.e,) Children Sports event, Knowledge test, and etc., in the event of Christmas and New Year function at Christianpettai North Street, W. Puthupatti Village,



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Watrap Taluk, Virudhunagar District based on the petitioner's representation, dated 03.01.2023 submitted to the second respondent in person.

For Petitioner : Mr.M.Pandian,
For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned order of rejection passed by him in Na.Ka. No.01/Va.Ka.Va./2023, dated 05.01.2023 and quash the same as illegal and arbitrary and consequently, directing the respondents to grant permission and necessary protection to perform the cultural programme with public Addressing System (Radio Sound System) (i.e,) Children Sports event, Knowledge test, and etc., in the event of Christmas and New Year function at Christianpettai North Street, W. Puthupatti Village, Watrap Taluk, Virudhunagar District based on the petitioner's representation, dated 03.01.2023 submitted to the second respondent in person.



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2. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the second respondent had already issued proceedings dated 05.01.2023, granting permission, but imposing certain conditions; that they should not use the speakers. He would further submit that the petitioner may be permitted to conduct the programme on 15.01.2023 and 16.01.2023 with certain conditions that may be imposed by this Court.

4. At this juncture, the learned counsel appearing for the writ petitioner would submit that they are ready to conduct the programme as stated by the learned Additional Public Prosecutor. He would further submit that they are only conducting the cultural programme for the students and they have to announce the names and the nature of the programmes through the speakers.



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5. I have considered the submission of the learned counsel appearing for the writ petitioner and the learned Additional Public Prosecutor appearing for the respondents.

6. It is brought to the notice of this Court that the Director General of Police, Tamil Nadu, Chennai had issued a circular memorandum in Rc.007301/Genl.I (1)/2019, dated 09.04.2019, along with instructions to the Inspectors of Police throughout Tamil Nadu for consideration of applications seeking permission for conducting cultural programme. Therefore, in view of the detailed circular and guidelines issued by the Director General of Police, the writ petitioner is directed to file a fresh representation and on such representation, the second respondent is directed to consider the representation of the petitioner and pass orders imposing necessary conditions along with following conditions :

“ (i) Songs should not be played touching upon the political party or religion or community or caste.

(ii) The function should not affect either religion or communal harmony and shall be conducted without any discrimination based on caste.”



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K.MURALI SHANKAR, J

das

Order made in
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