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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.12.2016

CORAM:

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

W.P. (MD) No. 25063 of 2016

and W.M.P. (MD) No. 18138 of 2016

P. Prabin

... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District, Nagercoil.

2. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to accord permission and provide police protection to the 21st Annual Day celebration of "Nehru Ninaivu Vilaiyattu Mandram" scheduled on 1st and 2nd of January 2017.

For Petitioner : Mr. N. Dilipkumar

For Respondents : Mr. K. P. Krishnadoss, G.A.

O R D E R

The petitioner seeks for a Writ of Mandamus, directing the respondents to accord permission and provide police protection to the 21st Annual Day celebration of "Nehru Ninaivu Vilaiyattu Mandram" scheduled on 1st and 2nd of January 2017.

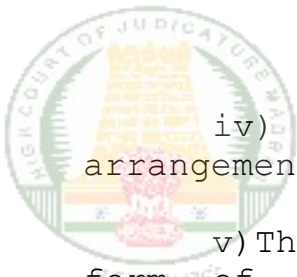
2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. Earlier, the petitioner filed a Writ petition in W.P. (MD) Nos. 22389 and 22558 of 2013 and this Court by order dated 16.12.2015 granted permission by imposing certain conditions. Following the same, this Court is inclined to pass the following orders:

(i) The petitioner is permitted to conduct the 'Annual Day Celebration' on 1st and 2nd January 2017 at 6.00 a.m., to 9.00 p.m., at the place in question.

ii) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquility.



iv) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue.

v) The participants of the sports events shall not wear any form of dress showing offending slogans or picture of any communal/political leader which may cause disturbance.

vi) Songs praising communal leader or having communal overtones should not be played.

vii) The petitioner will ensure that no flex board or hoardings depicting particular community or leader, who is alive, will be displayed.

(viii) No flex boards in support of any political party or religious leader be erected.

(ix) 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;

(x) Similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time.

(xi) The participants of the tournament shall not intake any kind of toxic substance or liquor during the meeting. In the event of any suspicion of consumption of alcohol, by the respondent police, can very well check the person by using Alcohol Breath Analyser;

(xii) If there is any untoward incident took place, the organizers of the tournament be made responsible for the same;

(xv) The petitioner shall not use mikes with loud speakers or amplifiers so as to cause disturbance to the students, who are undertaking examinations, patients and old aged people during the tournament.

(xvi) The organizer of the function should ensure free flow of traffic.

(xvii) If any untoward incidents happened during the programme, the same should be brought to the notice of this Court by the respondent and it will be viewed seriously.

(xviii) During programme normal level audio speakers alone are permitted to use.



The Writ petition is disposed of accordingly. No costs.
Consequently, connected W.M.P. is closed.

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Sd/-
Vacation Officer/
Assistant Registrar

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Kanyakumari District, Nagercoil.

2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

+One cc to Mr.N.Dilip Kumar, Advocate, SR.No.83775

+One cc to The Special Government Pleader, SR.No.83834

nbj
RL/5C/3P/SKS/RR/SARI/29.12.2016

W.P. (MD) No.25063 of 2016

29.12.2016