

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.05.2015

CORAM :

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

W.P.No.14181 of 2015

A.Kadhirvel

... Petitioner

vs.

The Inspector of Police
Andhiyur Police Station
Andhiyur Taluk
Erode District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of mandamus, directing the respondent herein to grant permission to the petitioner to conduct dance and cultural programmes on 17.05.2015 at Sri Kombuthooki Mariamman Koil, Brahmadesam Village, Andhiyur Taluk, Erode District.

For Petitioner : Mr.T.Jeevananthan

For Respondent : Mr.T.N.Rajagopalan,
Special Government Pleader

O R D E R

This writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, to direct the respondent to grant permission to conduct the dance programme in the event of Sri Kombuthooki Mariamman Koil Festival, Brahmadesam Village, Andhiyur Taluk, Erode District on 17.05.2015 based on his representation dated 01.05.2015.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

3.Learned counsel for the petitioner would submit that the petitioner is the Head of the Organizing Committee of Sri Kombuthooki Mariamman Koil Festival and every year temple festival is

being conducted by the villagers and this year also, the villagers jointly decided to conduct the village temple festival, with 'cultural programme' on 17.05.2015. In this connection, a representation was given on 01.05.2015 to the respondent, with a request to grant permission to conduct Cultural Programme on 17.05.2015, however no order was passed by the respondent on the said representation and hence the petitioner is before this Court with this writ petition. The learned counsel for the petitioner further submitted that as the temple festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

4. Mr.T.N.Rajagopalan, learned Special Government Pleader appearing for the respondent, on instructions, would submit that the permission sought for by the petitioner may be granted with stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such programme.

5. Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent, this Court is of the view that necessary permission shall be granted to the petitioner and his villagers to conduct 'cultural programme' in connection with Sri Kombuthooki Mariamman Koil Festival, on 17.05.2015 between 6.00 p.m. and 10.30 p.m., however, with the following conditions:-

(a) The petitioner has stated that he is the Head of the Organizing Committee of Sri Kombuthooki Mariamman Koil Festival, Brahmadesam Village, Andhiyur Taluk, Erode District, however, the respondent is directed to verify the said factum.

(b) The cultural programme in connection with Sri Kombuthooki Mariamman Koil Festival, be held on 17.05.2015 between 6.00 p.m. and 10.30 p.m.

(c) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants;

(d) Double meaning songs should not be played so as to spoil the minds of students and youths.

(e) No dance or songs, touching upon any political party or religion or community or caste be played.

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

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

(h) 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; and

(i) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time.

(j) The respondent is directed to issue necessary permission, incorporating the above conditions.

Accordingly, the writ petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Inspector of Police
Andhiyur Police Station
Andhiyur Taluk
Erode District.
2. The Public Prosecutor
High Court, Madras - 104.

+1cc to M/s.A.S.Dhinesh, Advocate, S.R.No.25007

+1cc to the Government Pleader, S.R.No.25046

W.P.14181 of 2015

MP(CO)
CA(12/05/2015)

सत्यमेव जयते
WEB COPY