

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

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THE HONOURABLE MR.JUSTICE R. SUBBIAH

Writ Petition No.14446 of 2015

M. Venkatesh

... Petitioner

vs

The Inspector of Police,
Gangavalli Police Station
Salem - District.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to give permission to the petitioner to conduct a Cultural Program scheduled to be held on 28.05.2015 at "Arulmigu Shri Kali Amman Temple" Kudamalai Post, Gangavalli Taluk, Salem District, by considering the petitioner representation dated 06.05.2015.

For Petitioner :Mr.Karan and Uday

For Respondent :Mr.Dig Vijay Pandian
Additional Government Pleader

ORDER

This writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, directing the respondent to give permission to the petitioner to conduct a Cultural Program scheduled to be held on 28.05.2015 at "Arulmigu Shri Kali Amman Temple" Kudamalai Post, Gangavalli Taluk, Salem District, by considering the petitioner representation dated 06.05.2015.

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

3.Learned counsel for the petitioner would submit that the petitioner is the resident of the Kudamalai Post, Gangavalli Taluk, Salem District, 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' from 27.05.2015 to 31.05.2015. In this connection, a representation was given on 06.05.2015 to the respondent, with a request to grant permission to conduct Cultural Programme on 28.05.2015. However, the respondent had rejected the representation orally only and 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.Dig Vijay Pandian, learned Additional 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 Additional 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 Arul Migu Shri Kali Amman Temple festival on 28.05.2015 between 6.00 p.m. and 10.30 p.m., however, with the following conditions:-

(a) The petitioner has stated that he is the resident of the Kudamalai Post, Gangavalli Taluk, Salem District. However, the respondent is directed to verify the said factum.

(b)The cultural programme in connection with Arul Migu Mari Amman Temple Festival, be held on 28.05.2015 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 police officer concerned 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/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

nv/gv

To

The Inspector of Police,
Gangavalli Police Station
Salem - District.

1 cc to Mr. Karan and Uday, Advocate, Sr. 25200

1 cc to Government Pleader, sr. 25131

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