

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.05.2015

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THE HONOURABLE MR.JUSTICE R. SUBBIAH

W.P.No.14543 of 2015

S.Prabakaran

... Petitioner

vs

1. The Superintendent of Police  
Namakkal District.

2. The Inspector of Police  
Sethamangalam Police Station,  
Namakkal District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, for the relief stated therein.

For Petitioner : Mr.J.Stalin

For Respondents : Mr.A.Kumar  
Special Government Pleader

O R D E R

This writ petition has been filed seeking to direct the 2<sup>nd</sup> respondent to grant permission to conduct cultural programme in Sri Kilaku Mariamman festival scheduled to be held on 15.5.2015 at Sri Kilaku Mariamman temple, Pottanam, Namakkal Taluk, Namakkal District, by considering the petitioner's representation dated 4.5.2015.

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

3.Learned counsel for the petitioner would submit that the petitioner is the president of the festival committee of Sri Kilaku Mariamman Temple, Pottanam, Namakkal Taluk, Namakkal District, and

every year the 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 15.05.2015. In this connection, a representation was given on 04.05.2015 to the respondents, with a request to grant permission to conduct Cultural Programme on 15.05.2015, which is pending consideration. 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.A. Kumar, learned Special Government Pleader appearing for the respondents, 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 respondents, 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 Kilaku Mariamman Temple," festival on 15.05.2015 between 6.00 p.m. and 10.30 p.m., however, with the following conditions:-

(a) The petitioner has stated that he is the president of the festival committee of Sri Kilaku Mariamman Temple, Pottanam, Namakkal Taluk, Namakkal District. However, the respondent is directed to verify the said factum.

(b)The cultural programme in connection with " Sri Kilaku Mariamman Temple," Festival, be held on 15.05.2015 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 respondents are directed to issue necessary permission, incorporating the above conditions.

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

Sd/-  
Vocation Officer (CS II)

//True Copy//

Sub Assistant Registrar

gs.

To

1. The Superintendent of Police  
Namakkal District.

2. The Inspector of Police  
Sethamangalam Police Station,  
Namakkal District.

+1cc to Mr.J.Stalin, Advocate, S.R.No.25230

W.P.No.14543 of 2015

TEJ (CO)  
CA (15/05/2015)

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