

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.14679 of 2015

C.Viswanathan

... Petitioner

vs.

- 1 The Superintendent of Police
Vellore District, Vellore-9.
- 2 The Deputy Superintendent of Police
Vellore -9.
- 3 The Inspector of Police
Virinjipuram Police Station
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus, directing the respondents to grant permission to the petitioner to conduct the dance programme which is scheduled to be held on 19/05/2015 at about 7.00 p.m. at Sri Ponniyamman Temple situates at Marudhavallipalayam village and post, Virinjipuram via, Vellore District, based on petitioner's representation dated 04/05/2015.

For Petitioner : Mr.S.Angamuthu

For Respondent : Mr.Dig Vijaya 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, to direct the respondents to grant permission to the petitioner to conduct the dance programme which is scheduled to be held on 19/05/2015 at about 7.00 p.m. at Sri Ponniyamman Temple situated at Marudhavallipalayam village and post, Virinjipuram via, Vellore District, based on petitioner's representation dated 04/05/2015.

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

3.Learned counsel for the petitioner would submit that the petitioner is the Secretary of Temple Festival Committee of Sri Ponniyamman Temple, 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 19.05.2015 at 7.00 p.m. In this connection, a representation was given

on 04.05.2015 to the third respondent, with a request to grant permission to conduct Cultural Programme on 19.05.2015 at 7.00 p.m, however the third respondent refused to receive the representation and hence, the same was sent by post on the same day. In view of the urgency that the cultural programme is approaching, 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 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 Ponniyamman Temple Festival, on 19.05.2015 between 7.00 p.m. and 10.30 p.m., however, with the following conditions:-

(a) The petitioner has stated that he is the Secretary of the Temple Festival Committee of Sri Ponniyamman Temple situated at Marudhavallipalayam village and post, Virinjipuram via, Vellore District, however, the third respondent is directed to verify the said factum.

(b)The cultural programme in connection with Sri Ponniyamman Temple Festival be held on 19.05.2015 between 7.00 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 third respondent is directed to issue necessary permission, incorporating the above conditions.

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

Vj2/mra

14.05.2015

Index:Yes/No.

Internet:Yes/No.

To

- 1 The Superintendent of Police
Vellore District, Vellore-9.

R.SUBBIAH, J.

vj2/mra

- 2 The Deputy Superintendent of Police
Vellore -9.
- 3 The Inspector of Police
Virinjipuram Police Station
Vellore Disrict.

W.P.No.14679 of 2015

14.05.2015