

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2015

CORAM :

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P.No.15060 of 2015

M.Kumar

... Petitioner

vs.

1.The Superintendent of Police,
Namakkal District.

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to grant permission to conduct cultural program in festival Sri Palapattari Marri Amman and Vinayagar Temple scheduled to be held on 26.05.2015 at Sri Palapattari Marri Amman and Vinayagar Temple, Thiruchencode (T.K) Namakkal District by considering petitioner's representation dated 08.05.2015.

For Petitioner : Mr.J.Stalin

For Respondent : Mr.R.Ravichandran
Additional 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, directing the 2nd respondent to grant permission to conduct cultural program in festival Sri Palapattari Marri Amman and Vinayagar Temple scheduled to be held on 26.05.2015 at Sri Palapattari Marri Amman and Vinayagar Temple, Thiruchencode (T.K) Namakkal District by considering petitioner's representation dated 08.05.2015.

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 President of the festival committee of "Sri Palapattari Marri Amman and Vinayagar Temple", Thiruchencode (T.K) Namakkal District and every year, a festival is being conducted by the villagers and this year also, the villagers jointly decided to conduct the festival with cultural programme on 26.05.2015. In this connection, a representation was given on 08.05.2015 to the second respondent, with a request to grant permission to conduct Cultural Programme on 26.05.2015. However, the second respondent has not given permission to conduct the cultural program. 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. Hence, this writ petition is filed seeking the aforesaid relief.

4. Mr.K.Ravichandran, 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 Additional 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 Palapattari Marri Amman and Vinayagar Temple, on 26.05.2015 between 6.00 p.m. and 10.30 p.m., however, with the following conditions:-

(a) The dance programme in connection with Sri Palapattari Marri Amman and Vinayagar Temple, be held on 26.05.2015 between 6.00 p.m. and 10.30 p.m.

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

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

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

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

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

(g) 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

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

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

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

Sd/-
Vacation Officer,
//True Copy//
Sub Assistant Registrar

DS

To

1.The Superintendent of Police,
Namakkal District.

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

+ 1 cc to Mr.J. Stalin, Advocate SR.25311

+ 1 cc Government Pleader Sr.25353

PUR(CO)
EU 22.05.2015

W.P.No.15060 of 2015

सत्यमेव जयते
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