

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2015

CORAM :

THE HONOURABLE MR.JUSTICE V. DHANAPALAN

W.P.No.15350 of 2015

V. Arokayasamy

... Petitioner

Vs.

1. The Superintendent of Police,
Salem District.

2. The Inspector of Police,
Atthur Police Station,
Salem District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to give permission to conduct the dance programme in the event of Sri Muthu Mariamman koil Festival on 03.06.2015 situated at South Udayar Palayam, Atthur TK, Salem District.

For Petitioner :: Mr.K.T.S. Sivakumar

For Respondent :: Mr.T.P. Saveetha
Government Advocate

O R D E R

This writ petition has been filed for issue of a Writ of Mandamus directing the respondents to give permission to conduct the dance programme in the event of Sri Muthu Mariamman Koil Festival on 03.06.2015 situated at South Udayar Palayam, Atthur TK, Salem District.

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

3. Learned counsel for the petitioner would submit that he is the Dharmakarthha of Sri Muthu Maraimman Koil and the temple festival is being organised and conducted by him for the past 5 years in a grand and peaceful manner and this year also, the temple

festival has been decided to be conducted in a grand manner and a cultural dance programme has been organized on 03.06.2015. In this connection, a representation was given on 22.05.2015 to the 2nd respondent, with a request to grant permission to conduct the cultural dance programme on 03.06.2015. However, the 2nd respondent has not given permission to conduct the dance programme. The learned counsel for the petitioner further submitted that as the temple festival is celebrated in a peaceful manner every year, there will be no untoward incident by the people of the village. Hence, this writ petition is filed seeking the aforesaid relief.

4. Ms. T.P. Saveetha, learned Government Advocate 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 Government Advocate 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 dance programme' in connection with Sri Muthu Maraimman Koil Festival, at South Udayar Palayam, Atthur TK, Salem District, on 03.06.2015, between 6.00 p.m. and 10.30 p.m., however, with the following conditions:-

(a) The cultural programme in connection with Sri Muthu Maraimman Koil Festival at South Udayar Palayam, Atthur TK, Salem District, be held on 03.06.2015, 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 respondents are directed to issue necessary permission, incorporating the above conditions.

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

nv/rg

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Superintendent of Police,
Salem District.
2. The Inspector of Police,
Atthur Police Station,
Salem District.

1 cc to Mr.K.T. S. Sivakumar, Advocate, Sr. 25520
1 cc to M/s. Government Pleader, Sr. 25548

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