

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19087 of 2015

V.Settu

... Petitioner

Vs.

The Inspector of Police
Viruthampet Police Station
Vellore District

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to grant permission to conduct cultural program in Sri Gengaiyamman Temple scheduled to be held on 07.07.2015 at about evening hours at Sri Gengaiyamman Temple, Thandalam Krishnapuram Village, Katpadi Taluk, Vellore District by considering the petitioner's representation dated 24.06.2015.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.V.Subbiah
Special Government Pleader

सत्यमेव जयते
O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner claiming to be the Temple Trustee and member of festival committee of Sri Gengaiyamman Temple, Thandalam Krishnapuram Village, Katpadi Taluk, Vellore District, has submitted an application dated 24.06.2015 to the respondent praying for permission to conduct star cultural programme in connection with the Temple

festival to be held on 07.07.2015 and 08.07.2015 and the said application was rejected by the respondent vide order dated 28.06.2015 stating that the petitioner under the guise of Temple festival, is intending to conduct "Star Cultural Programme" and that the order of promulgation under Section 30(2) of the Police Act is also in force, is not inclined to grant permission and accordingly rejected the said application.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to paragraph no.7 of the affidavit filed in support of the writ petition and would submit that in the event of permission being granted, there will not be any obscenity or indecency or vulgarity in that place and taking into consideration the solemnity of the occasion, the cultural programme will be conducted in an orderly and disciplined manner strictly in accordance with law and therefore, prays for appropriate orders.

4.Per contra, Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondent would submit that the application submitted by the petitioner came to be rejected on 28.06.2015 and the said order was not put to challenge and would further submit that even as per the invitation, the festival committee is intending to conduct Star Cultural Programme which in any event, would display obscenity and vulgarity and further taking into consideration the law and order problem, the application submitted by the petitioner was rightly rejected and prays for dismissal of the writ petition.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it. No doubt, the petitioner did not make a challenge to the order of rejection dated 28.06.2015 passed by the respondent. However, taking into consideration the fact that in paragraph no.7 of the affidavit, the petitioner has undertaken that in the event of song and dance programme conducted by them, there will not be any obscenity or indecency or vulgarity in that place and law and order will be maintained, this Court is inclined to set aside the order dated 28.06.2015 passed by the respondent.

6.In the result, the writ petition is disposed of and the order dated 28.06.2015 passed by the respondent is set aside and the matter is once again remanded to the respondent for fresh consideration and the petitioner shall also file an affidavit of undertaking that in the event of permission being granted to conduct the cultural programme in connection with the Temple festival, no obscenity or indecency or vulgarity will be in the place and so also there will not be any law and order problem and on receipt of such an affidavit

of undertaking, the respondent is directed to consider the application in accordance with law and pass orders on or before 05.07.2015. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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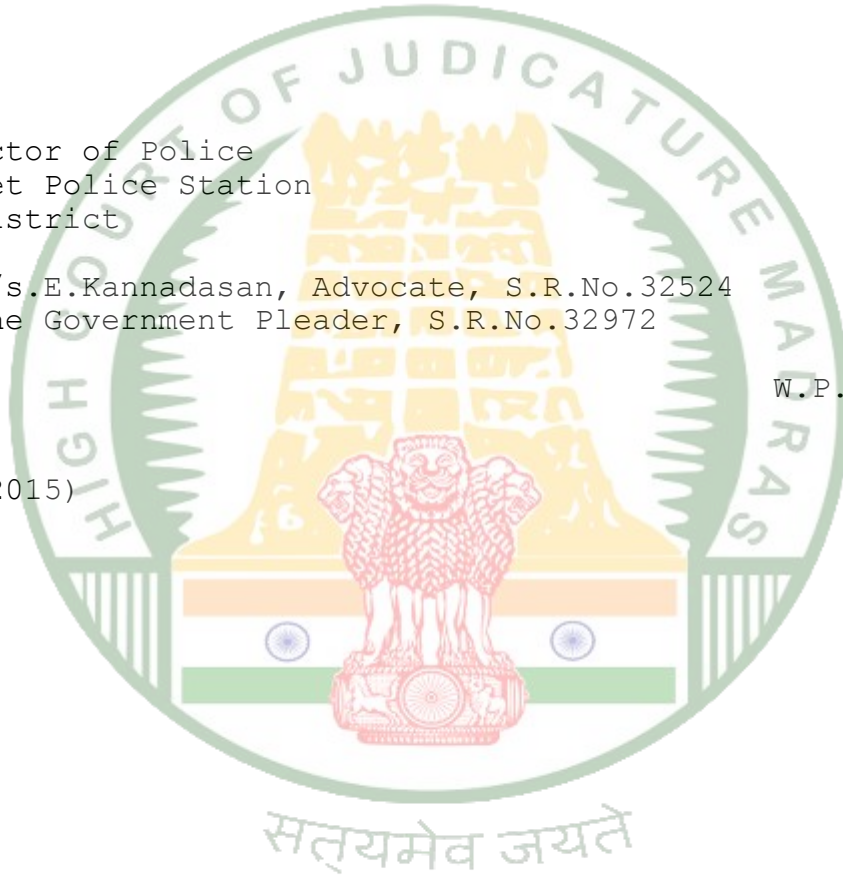
To

The Inspector of Police
Viruthampet Police Station
Vellore District

+1cc to M/s.E.Kannadasan, Advocate, S.R.No.32524
+1cc to the Government Pleader, S.R.No.32972

W.P.No.19087 of 2015

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