

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.23945 of 2015

Balamurugan

... Petitioner

Vs.

1.The Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
Kumaratchi Police Station,
Kumaratchi,
Cuddalore District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to grant permission to conduct the cultural programme and to grant due police protection to conduct the cultural programme scheduled to be held on 15.08.2015 during the Aadi Kadavelli festival in the Shree Maha Kaliyamman Alaiyam at Kumaratchi, Kattumannarkoil Taluk, Cuddalore District based on the petitioner's representation dated 21.07.2015.

For Petitioner : Mr.G.Pugazhenth

For Respondents: Mr.R.A.S.Senthilvel,
Additional Government Pleader

ORDER

Seeking permission to conduct cultural programme on 15.08.2015 at Aadi Kadavelli festival in the Shree Maha Kaliyamman Alaiyam at Kumaratchi, Kattumannarkoil Taluk, Cuddalore District, the petitioner made a representation dated 21.07.2015 to the 2nd respondent. As the same has not been considered, the present writ petition has been filed.

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

3.Learned Additional Government Pleader, on instructions, would submit that there is likelihood of law and order problem.

4.A mere apprehension cannot be a ground to reject the representation. There is absolutely no material before this Court to hold that there will be a law and order problem in the event of permission being granted. In such view of the matter, the writ petition is allowed and the petitioner is permitted to conduct cultural programme on 15.08.2015 at Aadi Kadavelli festival in the Shree Maha Kaliyamman Alaiyam, Kumaratchi, Kattumannarkoil Taluk, Cuddalore District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Sri Vinayagar Koil, Mannakadu, Veeragoundanur, Pethanaickanpalayam Taluk, Cuddalore District, be held on 15.08.2015 between 06.00 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 2nd respondent is directed to issue necessary permission, incorporating the above conditions.
No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

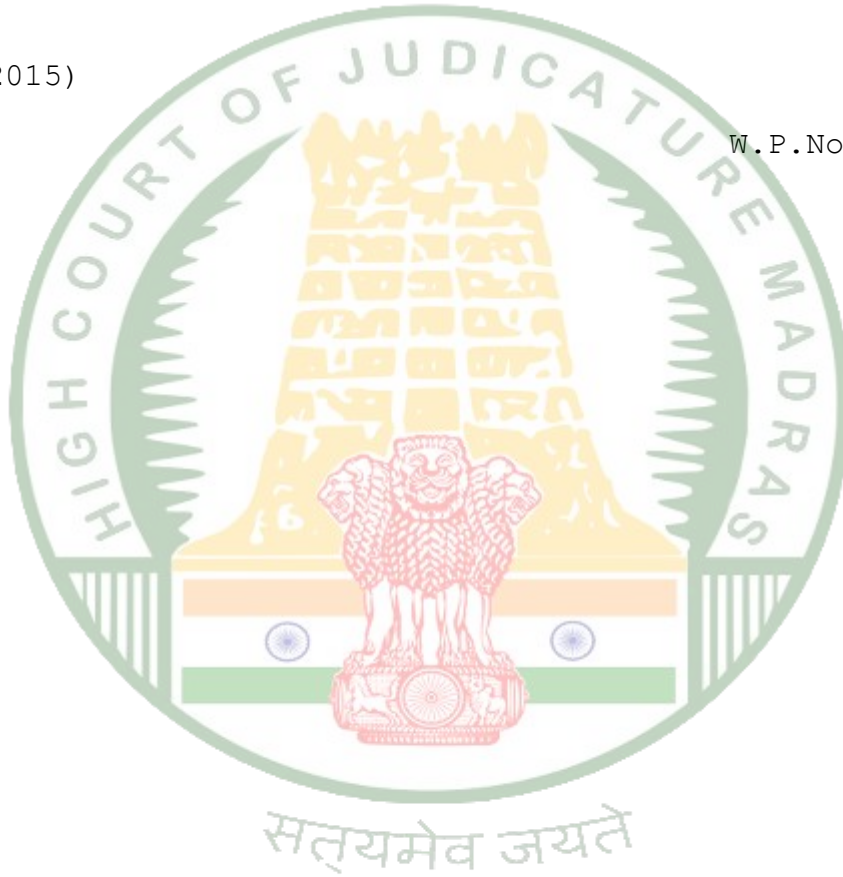
1.The Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
Kumaratchi Police Station, Kumaratchi,
Cuddalore District.

+1cc to Mr.G. Pugazhendhi, Advocate, S.R.No.40795
+1cc to the Government Pleader, S.R.No.40611

JSV(CO)
EU(10/08/2015)

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