

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2015

CORAM

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

W.P.No.26052 of 2015

S.Pachamuthu

[Petitioner]

Vs

- 1 The Deputy Superintendent of Police
DSP Office Salem District Salem.
- 2 The Sub Inspector of Police
Malliyakari Police Station Malliyakarai
Salem District.

[Respondents]

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the Second Respondent to provide permission to conduct Village folk dance and other cultural Programs on 27.08.2015 at Sri Selva Mariyamman Temple, existing at Seeliyampatti Puthur Village, Seeliyampatti Post, Attur Taluk, Salem District.

For Petitioner : Mr.L.Rajendran

For Respondents : Mr.Dig Vijayapandian, AGP

ORDER

Seeking permission to conduct dance programme on 27.08.2015 at Sri Selva Mariyamman Temple, Seeliyampatti Puthur Village, Seeliyampatti Post, Attur Taluk, Salem District, the petitioner made a representation dated 17.08.2015 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 27.08.2015 at Sri Selva Mariyamman Temple, Seeliyampatti Puthur Village, Seeliyampatti Post, Attur Taluk, Salem District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Sri Selva Mariyamman Temple, Seeliyampatti Puthur Village, Seeliyampatti Post, Attur Taluk, Salem District, be held on 27.08.2015 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) The cultural programme shall be conducted without damaging the actual culture of this land.

(h) If there is any violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary stringent action, as per law and stop such performance;

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

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

No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1 The Deputy Superintendent of Police
DSP Office Salem District Salem.

2 The Sub Inspector of Police
Malliyakari Police Station Malliyakarai
Salem District.

1 CC to Mr.L.Rajendran, Advocate SR.No. 44683

1 CC to the Government Pleader, SR.No. 44626

W.P.No.26052 of 2015

AR -II (CO)

PSI (24.08.2015)

सत्यमेव जयते

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