

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM

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

W.P.No.27616 of 2015

G.Ilyaraja

... Petitioner

Vs.

1.The Superintendent of Police,
Salem District.

2.The Inspector of Police,
Valapady Police Station, Salem District. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to consider the representation dated 28.08.2015 sent by the petitioner to give permission to conduct the cultural dance programme of Shri Mahamarriaman Temple Festival on 08.09.2015 at Thugiyampalayam Village, Valapady Taluk, Salem District.

For Petitioner : Mr.C.Mahendran

For Respondents : Mr.S.Navaneethan, AGP

O R D E R

Seeking permission to conduct cultural programme on 08.09.2015 at Shri Mahamarriaman Temple Festival at Thugiyampalayam Village, Valapady Taluk, Salem District, the petitioner made a representation dated 28.08.2015 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 08.09.2015 at Shri Mahamarriaman Temple Festival at Thugiyampalayam Village, Valapady Taluk, Salem District, however, with the following conditions:-

(a)The cultural programme in connection with temple Festival at Shri Mahamarriaman Temple Festival at Thugiyampalayam Village, Valapady Taluk, Salem District, be held on 08.09.2015 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.

Sd/-
Asst.Registrar (CS V)

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

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To

1.The Superintendent of Police,
Salem District.

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

+1 cc to Mr.C.Mahendran, Advocate, sr.47319

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