

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM

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

W.P.No.28103 of 2015

P.Kanniappan

.. Petitioner

Vs.

The Inspector of Police,
K.V.Kuppam Police Station,
K.V.Kuppam, Vellore District

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to give permission to the petitioner to conduct a cultural program schedule to be held on 19.09.2015 in "Shri Vinayagar Temple" at Kuttikan Patti Village, Melmoil Post, Katpadi Taluk, Vellore District by considering the petitioner representation dated 31.08.2015.

For Petitioner .. Ms.Farheen
For Respondent .. Mr.S.Divakar
Additional Government Pleader

ORDER

Seeking permission to conduct cultural programme on 19.09.2015 at "Shri Vinayagar Temple", Kuttikan Patti Village, Melmoil Post, Katpadi Taluk, Vellore District, the petitioner made a representation dated 31.08.2015 to the 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 respondent.

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 19.09.2015 at "Shri Vinayagar Temple", Kuttikan Patti Village, Melmoil Post, Katpadi Taluk, Vellore District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at "Shri Vinayagar Temple", Kuttikan Patti Village, Melmoil Post, Katpadi Taluk, Vellore District be held on 19.09.2015 between 06.00 p.m. to 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 respondent is directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

ssd

To

The Inspector of Police,
K.V.Kuppam Police Station,
K.V.Kuppam, Vellore District.

1 cc to Ms.Farheen , Advocate Sr.No.48797

1 cc to Government Pleader.Sr.No.48665

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EV(CO)

PMK.8.9.2015