

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

CORAM

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

W.P.No.30259 of 2015

C.Thirumal

...Petitioner

Vs.

1. The Superintendent of Police,
Superintendent Office,
Dharmapuri.
2. The Deputy Superintendent of Police,
Deputy Superintendent Office,
Dharmapuri.
3. The Inspector of Police,
Karimangalam Police Station,
Karimangalam,
Dharmapuri District.

...Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to give permission to conduct a festival program scheduled to be held on 23.09.2015 in Vinayagar Chathurthi festival in Petitioner's village by considering the petitioner's representation dated 21.09.2015.

For Petitioner : Mr.K.Annadurai

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader

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O R D E R

Seeking permission to conduct a festival program scheduled to be held on 23.09.2015 at Sri Mariamman Kovil in Vinayagar Chathurthi festival at Matlampatty Post, Palacode Taluk, Dharmapuri District, the petitioner made a representation dated 21.09.2015 to the respondents. 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 festival cultural programme on 23.09.2015 at Sri Mariamman Kovil in Vinayagar Chathurthi festival at Matlampatty Post, Palacode Taluk, Dharmapuri District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Sri Mariamman Kovil in Vinayagar Chathurthi festival at Matlampatty Post, Palacode Taluk, Dharmapuri District be held on 23.09.2015 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/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Superintendent Office,
Dharmapuri.
2. The Deputy Superintendent of Police,
Deputy Superintendent Office,
Dharmapuri.
3. The Inspector of Police,
Karimangalam Police Station,
Karimangalam,
Dharmapuri District.

1 CC to Mr.K.Annadurai, Advocate SR.No. 51697

सत्यमेव जयते

W.P.No.30259 of 2015

GR (CO)
PSI (23.09.2015)

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