

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2015

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

W.P.No.32483 of 2015

S.Ganesan

... Petitioner

Vs.

- 1.The Superintendent of Police,
The Office of the Superintendent of Police,
Salem, Salem District.
- 2.The Inspector of Police,
Magudanchavadi Police Station,
Sankari Taluk, Salem District - 637 103. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to grant permission and protection for the Cultural Program (Aadalum Paadalum) in Maha Kumbabisheha Festival of Arulmiku Subramania Swamy Thirukkivil situated at Ernapuram Village in Magudanchavadi, Salem District in which planned to be held on 26.10.2015.

For Petitioner : Mr.M.Samuel Raja

For Respondents: Mr.A.Kumar, Special Government Pleader

O R D E R

Seeking permission to conduct cultural programme on 26.10.2015 at Arulmiku Subramania Swamy Thirukkivil situated at Ernapuram Village in Magudanchavadi, Salem District, the petitioner made a representation dated 29.09.2015 to the respondent no.2. 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 Special Government Pleader appearing for the respondents.

3.Learned Special 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 26.10.2015 at Arulmiku Subramania Swamy

Thirukkovil situated at Ernapuram Village in Magudanchavadi, Salem District, however, with the following conditions:-

(a)The cultural programme in connection with temple festival at Arulmiku Subramania Swamy Thirukkovil situated at Ernapuram Village in Magudanchavadi, Salem District, be held on 26.10.2015 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 IV)

/true copy/

Sub Asst. Registrar

va
To

- 1.The Superintendent of Police,
The Office of the Superintendent of Police,
Salem, Salem District.
- 2.The Inspector of Police,
Magudanchavadi Police Station,
Sankari Taluk, Salem District - 637 103.

+1 cc to Mr.M.Samuel Raja, Advocate, sr.56263

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