

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.12.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. No. 39377 of 2015

V.R.S. Elango

..Petitioner

Vs.

The State of Tamil Nadu,
rep. by
The Inspector of Police,
Kangayam Police Station,
Kangayam,
Tiruppur District.

..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records of the respondent in relation to the order dated 10.12.2015 and quash the same and consequently direct the respondent herein to grant permission to the petitioner to conduct cultural programme on 23.12.2015 as a part of Sri Mariamman Temple Festival at Nathakkadaiyur, Kangayam Taluk, Tiruppur District.

For Petitioner :: Mr.M.R. Thangavel

For Respondent :: Mr.S. Pattabiraman,
Govt. Advocate

O R D E R

The petitioner submitted a representation on 07.12.2015 to the respondent seeking permission to conduct cultural programme on 23.12.2015 in connection with the temple festival of Sri Mariamman Temple at Nathakkadaiyur, Kangayam Taluk, Tiruppur District scheduled to be held on 24.12.2015. Since the permission sought was rejected by the impugned order dated 10.12.2015, the petitioner has come forward with the present writ petition challenging the same.

2. A perusal of the order under challenge would show that the petitioner has not been heard and that it has been passed on mere surmise. There is no material to hold that, if permission is granted to conduct cultural programme, it will create law and order problem. Merely because, there was

objection from some persons, the same cannot be a ground to reject the permission sought by the petitioner.

3. Accordingly, the impugned order is set aside and the writ petition is allowed. The petitioner is permitted to conduct cultural programme on 23.12.2015 in connection with the temple festival of Sri Mariamman Temple at Nathakkadaiyur, Kangayam Taluk, Tiruppur District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival of Sri Mariamman Temple at Nathakkadaiyur, Kangayam Taluk, Tiruppur District be held on 23.12.2015 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 respondent is directed to issue necessary permission, incorporating the above conditions. No costs.

nv

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

The Inspector of Police,
Kangayam Police Station,
Kangayam,
Tiruppur District.

+ 1 cc to Mr.M.R.Thangavel, Advocate SR 67153

+ 1 cc to Govt.Pleader SR 67615

vs (co)
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