

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10242 of 2016

J.K.Gopal

... Petitioner

Vs.

Inspector of Police,
Bhavani Police Station,
Erode District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to grant permission and protection to conduct cultural programme (Dance and Music Program) in the "Jambai Sri Baladhandayuthapani Kovil" situated at No.102, Palaniyandavar Koil Street, Jambai Post, Bhavani Taluk, Erode District scheduled to be held on 24.03.2016 from 6.00 pm to 11.00 pm.

For Petitioner : Mr.N.Desinghu

For Respondent : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. Seeking permission to conduct cultural programme on 24.03.2016 in Jambai Sri Baladhandayuthapani Kovil at No.102, Palaniyandavar Koil Street, Jambai Post, Bhavani Taluk, Erode District, the petitioner made a representation dated 15.03.2016 to the respondent. As the same has not been considered, the present writ petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

4. Learned Special Government Pleader, on instructions, would submit that there is likelihood of law and order problem.

5. 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 24.03.2016 in Jambai Sri Baladhandayuthapani Kovil at No.102, Palaniyandavar Koil Street, Jambai Post, Bhavani Taluk, Erode District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival in Jambai Sri Baladhandayuthapani Kovil at No.102, Palaniyandavar Koil Street, Jambai Post, Bhavani Taluk, Erode District, to be held on 24.03.2016 between 06.00 p.m. to 10.30 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogue 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.

Further, the respondent is directed to issue necessary permission, incorporating the above conditions. No costs.
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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

Inspector of Police,
Bhavani Police Station,
Erode District.

+ 1 cc to Mr.N.Desinghu, Advocate Sr 17493

+ 1 cc to The Govt.Pleader, Sr 17765

KR/22/3/16

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