

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.11639 of 2016

K.R.Sasikumar

... Petitioner

vs.

1. The District Superintendent
of Police,
Namakkal District.

2. The Inspector of Police,
Mallasamuthiram.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to give permission to conduct the dance program on 31.3.2016 at about 700 p.m. to 11.00 p.m. held at Sri Mariamman Temple Panguni Festival at Kottapalayam Village, Thiruchengode Taluk, Namakkal District by considering the representation dated 24.3.2016.

For Petitioner : Mr.C.Mohanraj

For Respondents : Mr.V.S.Ramesh,
Govt. Advocate.

ORDER

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

2. Seeking permission to conduct cultural programme on 31.3.2016 at Sri Mariamman Temple, Kottapalayam Village, Thiruchengode Taluk, Namakkal District, the petitioner made a representation dated 24.3.2016 to the respondents. As the same has not been considered so far, the present writ petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

4. Learned Government Advocate, 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 of the petitioner. 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.

6. In such view of the matter, the writ petition is allowed and the petitioner is permitted to conduct cultural programme on 31.3.2016 at Sri Mariamman Temple, Kottapalayam Village, Thiruchengode Taluk, Namakkal District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Sri Mariamman Temple, Kottapalayam Village, Thiruchengode Taluk, Namakkal District, to be held on 31.3.2016 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 second respondent is directed to issue necessary permission, incorporating the above conditions. No costs.

sbi

s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The District Superintendent of Police,
Namakkal District.

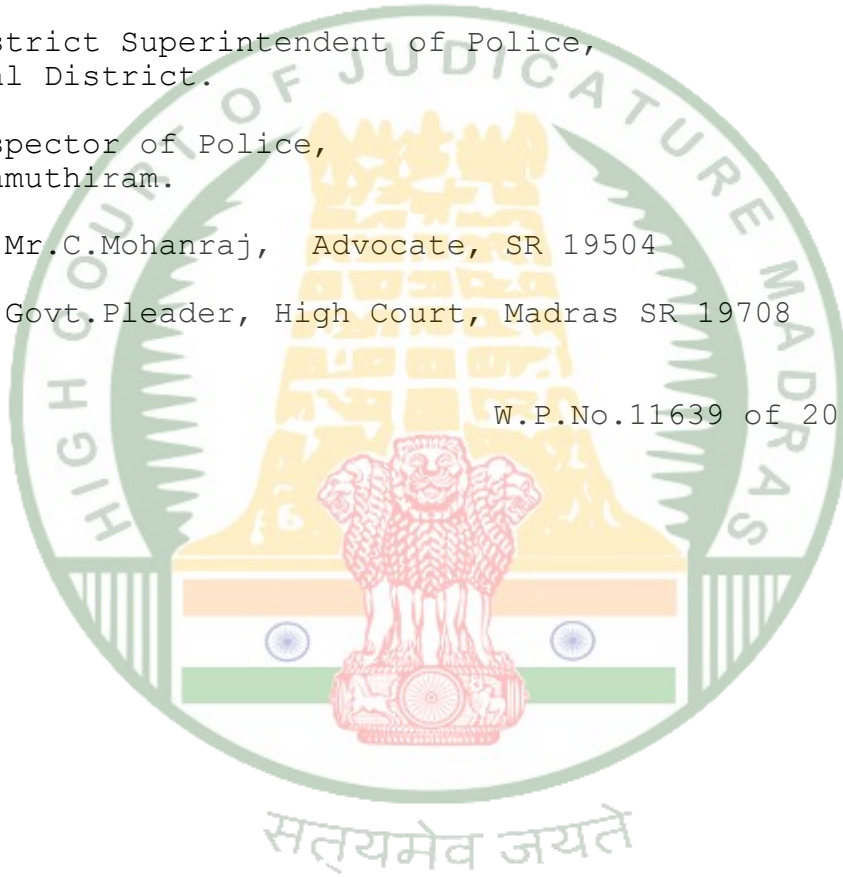
2. The Inspector of Police,
Mallasamuthiram.

+ 1 cc to Mr.C.Mohanraj, Advocate, SR 19504

+ 1 cc to Govt.Pleader, High Court, Madras SR 19708

kjk(co)
prk30/3

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