

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2016

CORAM

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

W.P.No.1248 of 2016

S.Sivakumar

... Petitioner

Vs.

The Inspector of Police,
Kavunthampadi Police Station,
Erode District.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondent to grant permission and protection to conduct cultural program (Dance & Music Program) in the Thai Thirunal Festival situated at VIP Nagar, Gounthi Kudiyrupor Nalachsangam, Govunthampadi, Bavani Taluk, Erode District schedule to be held on 16.01.2016 from 7.00 pm to 11.00pm.

For Petitioner : Mr.N.Desinghu

For Respondent : Mr.R.A.S.Senthilvel,
Additional Government Pleader

O R D E R

Seeking permission to conduct a festival program scheduled to be held on 16.01.2016 in the Thai Thirunal Festival situated at VIP Nagar, Gounthi Kudiyrupor Nalachsangam, Govunthampadi, Bavani Taluk, Erode District, the petitioner made a representation dated 08.01.2016 to the respondent. 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 respondent.

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 16.01.2016

in the Thai Thirunal Festival situated at VIP Nagar, Gounthi Kudiyrupor Nalachsangam, Govunthampadi, Bavani Taluk, Erode District, however, with the following conditions:-

(a)The cultural programme in connection with temple Festival be held on 16.01.2016 in the Thai Thirunal Festival situated at VIP Nagar, Gounthi Kudiyrupor Nalachsangam, Govunthampadi, Bavani Taluk, Erode District 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.
rms

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To
The Inspector of Police, Kavunthampadi Police Station,
Erode District.

+ 1 cc to Mr..N.Desinghu, Advocate Sr 2182
+1cc to the Government Pleader, S.R.No.2415(18.05.2016)

KR/12/1/16