

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2016

CORAM

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

W.P.No.1320 of 2016

R.Kumar

... Petitioner

Vs

The State of Tamil Nadu
represented by its
Inspector of Police
Paramathi Police Station
Paramathi.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondent to consider the representation dated 09.01.2016 made by the petitioner to permit to conduct cultural folk programme on 22.01.2016 at Srikamatchi Periasamy Thirukoil, Villipalayam Village, Paramathivelur Taluk, Namakkal District.

For Petitioner .. Mr.N.Umapathi

For Respondent .. Mr.V.Subbiah, SGP

ORDER

Seeking permission to conduct cultural programme on 22.01.2016 in "Srikamatchi Periasamy Thirukoil" at Villipalayam Village, Paramathivelur Taluk, Namakkal District, the petitioner made a representation dated 09.01.2016 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.

3.Learned Special Government Pleader appearing for the respondent, on instructions, would submit that there is likelihood of law and order problem.

4.This Court is of the view that mere apprehension cannot be a ground to reject the representation of the petitioner. There is absolutely no material placed before this Court to hold that there will be a law and order problem in the event of permission being granted.

5. In such view of the matter, the writ petition is disposed of, permitting the petitioner to conduct cultural programme on 22.01.2016 in "Srikamatchi Periasamy Thirukoil" at Villipalayam Village, Paramathi Velur Taluk, Namakkal District, subject to the following conditions:-

(a) The cultural programme in connection with temple Festival in "Srikamatchi Periasamy Thirukoil" at Villipalayam Village, Paramathi Velur Taluk, Namakkal District, to be held on 22.01.2016 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) The cultural programme shall be conducted without damaging the actual culture of this land.

(h) If there is any violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary stringent action, as per law and stop such performance;

(i) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time, and

(j) The respondent is directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

Inspector of Police
Paramathi Police Station
Paramathi.

+1cc to Mr.N.Umapathi, Advocate sr.3612[22/01/2016]

+ 1 cc to The Govt.Pleader, Sr 3700 (2/5/16)

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rk(CO)
srg(21/01/2016)



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