IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14713 of 2016

K.Venkatachalam ... Petitioner

Vs.

The Inspector of Police
Elachipalayam Police Station
Tiruchengode Taluk
Namakkal District ... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to grant permission to conduct the dance and cultural programmes in the event of Sri Mariamman Koil, Arasampalayam, Munjanur Village, Tiruchengode Taluk, Namakkal District on Tuesday 26.4.2016 on the basis of the representation made by the petitioner dated 16.4.2016.

For Petitioner : Mr.K.A.Mariappan

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

ORDER

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

2. Seeking permission to conduct cultural programme on 26.4.2016 at Sri Mariamman Koil situated in Arasampalayam, Munjanur Village, Tiruchengode Taluk, Namakkal District, the petitioner made a representation dated 16.4.2016 to the respondent. 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 respondent.

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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. In such view of the matter, the writ petition is allowed and the petitioner is permitted to conduct cultural programme on 26.4.2016 at Sri Mariamman Koil situated in Arasampalayam, Munjanur Village, Tiruchengode Taluk, Namakkal District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Sri Mariamman Koil situated in Arasampalayam, Munjanur Village, Tiruchengode Taluk, Namakkal District, to be held on 26.04.2016 between 06.00 p.m. and 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.

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Further, the respondent is directed to issue necessary permission, incorporating the above conditions. No costs.

ajr

-s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

The Inspector of Police
Elachipalayam Police Station
Tiruchengode Taluk
Namakkal District

+ 1 cc to Mr.K.A.Mariappan, Advocate SR 24480

+ 1 cc to Govt.Pleader SR 25039

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W.P.No.14713 of 2016

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