

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14830 of 2016

Sambu

... Petitioner

Vs.

1.The Superintendent of Police,
Salem District.

2.The Deputy Superintendent
of Police,
Omalur, Salem District.

3.The Inspector of Police,
Omalur Police Station,
Salem District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to grant permission based on the petitioner's representation dated 19.4.2016 to conduct the program which is scheduled to be held on 27.4.2016 at Sri Mariyamman Temple, situated at Mel Street, Kamalapuram Village and Post, Omalur Taluk, Salem District.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mrs.M.E.Rani Selvam,
Addl. Govt. Pleader

ORDER

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

2. Seeking permission to conduct cultural program on 27.4.2016 at Sri Mariyamman Temple, Mel Street, Kamalapuram Village and Post, Omalur Taluk, Salem District, the petitioner made a representation dated 19.4.2016 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 Additional Government Pleader, who has taken notice on behalf of the respondents.

4. Learned Additional 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 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 program on 27.4.2016 at Sri Mariyamman Temple, Mel Street, Kamalapuram Village and Post, Omalur Taluk, Salem District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Sri Mariyamman Temple, Mel Street, Kamalapuram Village and Post, Omalur Taluk, Salem District, to be held on 27.4.2016 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 program, if it exceeds beyond the permitted time.

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

sbi

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Salem District.
- 2.The Deputy Superintendent of Police,
Omalur, Salem District.
- 3.The Inspector of Police,
Omalur Police Station,
Salem District.

+ 1 cc to Mr.C.Prabakaran, Advocate Sr 25096

+ 1 cc to The Govt.Pleader, Sr 25433

KR/26/4/16

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