

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.15277 of 2016

Krishnamoorthy

.. 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 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant permission based on petitioner's representation dated 20.04.2016 to conduct the programme which is scheduled to be held on 28.04.2016 at Sri Mariyamman Temple, situated at Karuvattuparai, Kamalapuram Village & Post, Omalur taluk, Salem District .

For Petitioner : Mr.S.Angamuthu

For Respondents : Mr.P.Rajalakshmi
Govt. Advocate

O R D E R
सत्यमेव जयते

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. Seeking permission to conduct cultural programme on 28.04.2016 in Sri Mariyamman Temple Thiruvizha to be held at Sri Mariyamman Temple, situated at Karuvattuparai, Kamalapuram Village & Post, Omalur taluk, Salem District, the petitioner made a representation dated 20.04.2016 to the respondents. As the same has not been considered, the present writ petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for 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. 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 28.04.2016 in Sri Mariyamman Temple Thiruvizha to be held at Karuvattuparai, Kamalapuram Village & Post, Omalur taluk, Salem District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Karuvattuparai, Kamalapuram Village & Post, Omalur Taluk, Salem District, to be held on 28.04.2016 between 07.00 pm to 11.00pm.

(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.

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

(i) The respondents are directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-
Assistant Registrar(CS III)

//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.

+1cc to the Government Pleader Sr.25877
+1cc to M/S.S.Angamuthu, Advocate sr.25358

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