

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.15970 of 2016

C.Kaveri

... Petitioner

Vs.

1. The Superintendent of Police,
Salem District,
Salem.

2. The Inspector of Police,
Tharamangalam Police Station,
Salem District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to grant permission and protection to conduct cultural dance program, which is scheduled to be held on 28.04.2016 at opposite to Sri Sellamuthu Mariamman Temple, situated at Manganur, Periyakadam Patty, Omalur Taluk, Salem District.

For Petitioner : Mr.M.R.Elavarasan
For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

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

2. Seeking permission to conduct cultural programme on 28.04.2016 at Sri Sellamuthu Mariamman Temple, situated at Manganur, Periyakadam Patty, Omalur Taluk, Salem District, the petitioner made a representation dated 22.04.2016 to the respondent. 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 at Sri Sellamuthu Mariamman Temple, situated at Manganur, Periyakadam Patty, Omalur Taluk, Salem

District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Sri Sellamuthu Mariamman Temple, situated at Manganur, Periyakadam Patty, Omalur Taluk, Salem District, to be held on 28.04.2016 between 06.00p.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 programme, if it exceeds beyond the permitted time.

Further, the second respondent is directed to issue necessary permission, incorporating the above conditions. No costs.
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-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Salem District,
Salem.

2.The Inspector of Police,
Tharamangalam Police Station,
Salem District.

+ 1 cc to Mr.M.R.Elavarasan, Advocate SR 26249

+ 1 cc to The Govt.Pleader, Sr 26768 (3/6/16)

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