

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.16355 of 2016

K.Dhanapal

... Petitioner

Vs.

The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam, Namakkal District

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent to give permission to the petitioner to conduct a Cultural Programme at Olappalayam Arulmigu Sri Mariamman and Vinayagar Koil Thiruvizha on 07.05.2016 at Kumarapalayam Taluk, Namakkal District, by considering the petitioner's representation dated 23.4.2016.

For Petitioner : Mr A.Sathishkumar

For Respondent : Mr.S.Navaneethan, AGP

O R D E R

Seeking permission to conduct cultural programme in the event of Olappalayam Arulmigu Sri Mariamman and Vinayagar Koil Thiruvizha on 07.05.2016 at Kumarapalayam Taluk, Namakkal District, the petitioner made a representation dated 23.4.2016 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 and the learned Government Advocate appearing for the respondent.

3. Learned Government Advocate, on instructions, would submit that there is likelihood of arising law and order problem.

4. 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 in the event of Olappalayam Arulmigu Sri Mariamman and Vinayagar Koil Thiruvizha on 07.05.2016 at Kumarapalayam Taluk, Namakkal District , however, with the following conditions:-

(a) The cultural programme in connection with in the event of Olappalayam Arulmigu Sri Mariamman and Vinayagar Koil Thiruvizha at Kumarapalayam Taluk, Namakkal District shall be conducted on 07.05.2016 between 06.00 p.m. and 11.00 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 shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) If there is 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 forthwith; and

(h) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit.

(i) The respondent is directed to issue necessary permission, incorporating the above conditions.
No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam, Namakkal District.

+1cc to Mr.A.Sathishkumar, Advocate Sr.27710

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scd(CO)
srg(29/04/2016)



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