

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.16570 of 2016

A. Pandu

... Petitioner

Vs.

1. The Deputy Superintendent of Police
Titakudi Taluk
Cuddalore District - 606 304

2. The Inspector of Police
X-1, Kazhuthur Police Station
Titakudi Taluk
Cuddalore District - 606 304

... Respondents

Writ petitions filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 1st and 2nd respondents herein for granting permission to the petitioner's representation dated 27-04-2016 to conduct the village temple festival for Shree Mariamman Koil Street, Kazhuthur, Titakudi Taluk, Cuddalore District 606 303.

For Petitioner : Mrs. V. Preetha

For Respondents : Mrs. P. Rajalakshmi,
Government Advocate

ORDER

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

2. Seeking permission to conduct the village temple festival at Shree Mariamman Koil Street, Kazhuthur, Titakudi Taluk, Cuddalore District on 04-05-2016, the petitioner has made a representation on 27-04-2016. The same has not been considered and hence, the present writ petitions have 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 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 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 the village temple festival for Shree Mariamman Koil Street, Kazhuthur, Titakudi Taluk, Cuddalore District on 04-05-2016, however, with the following conditions:-

"(a) The cultural programme in connection with Village temple Festival at Shree Mariamman Koil Street, Kazhuthur, Titakudi Taluk, Cuddalore District on 04-05-2016, 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 programme, if it exceeds beyond the permitted time."

Further, the respondents are directed to issue necessary permission, incorporating the above conditions. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Deputy Superintendent of Police
Titakudi Taluk,
Cuddalore District

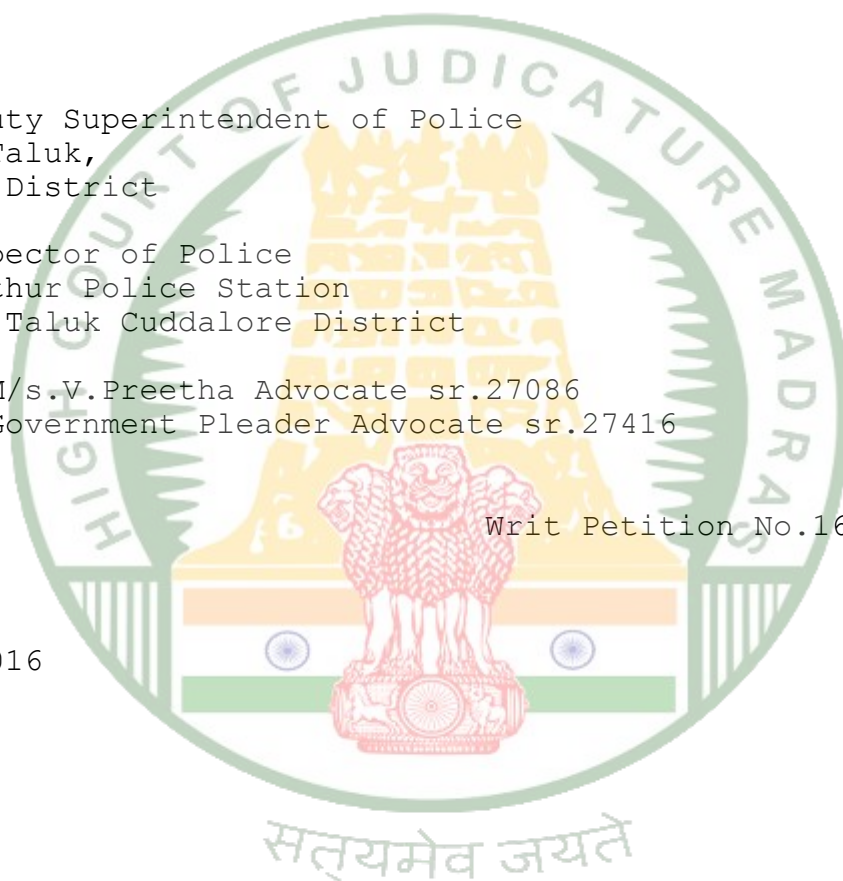
2.The Inspector of Police
X-1 Kazhuthur Police Station
Thitakudi Taluk Cuddalore District

+1 cc to M/s.V.Preetha Advocate sr.27086

+1 cc to Government Pleader Advocate sr.27416

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