

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-05-2016

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Writ Petition No.18136 of 2016

R.Nagaraj

... Petitioner

Vs.

1. The Superintendent of Police,
The Office of the Superintendent
of Police, Tiruppur,
Tiruppur District

2. The Inspector of Police,
Thali Police Station,
Udumalpet Taluk,
Salem District

... Respondents

Writ petitions filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to grant permission and protection for the cultural programme (Aadalum Paadalum) in Kovil Tiruvizha festival of "Arulmiku Sree Mariamman Thirukkivil" situated at Amanasamuthiram in Chinna Valavadi (Pazhaiyur) Village, Udumalpet Taluk, Tirupur District in which planned to be held on 25.05.2016.

For Petitioner : Mr. M.Samuel Raja

For Respondents : Mr. P. Sanjay Gandhi, GA

ORDER

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

2. Seeking permission to conduct the village temple festival cultural programme on 25.05.2016 at "Arulmiku Sree Mariamman Thirukkivil", Amanasamuthiram in Chinna Valavadi (Pazhaiyur) Village, Udumalpet Taluk, Tirupur District by considering the petitioner's representation dated 12.05.2016. 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 respondent.

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 disposed of and the petitioner is permitted to conduct the village temple festival, however, with the following conditions:-

"(a) cultural programme in "Arulmiku Sree Mariamman Thirukkovil" situated at Amanasamuthiram in Chinna Valavadi (Pazhaiyur) Village, Udumalpet Taluk, Tirupur District on 25.5.2016 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.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srn/glp

To

1. The Superintendent of Police,
The Office of the Superintendent of Police,
Tiruppur, Tiruppur District
2. The Inspector of Police,
Thali Police Station,
Udumalpet Taluk,
Salem District

+1cc to Mr.M.Samvel, Advocate, S.R.No.28448
+1cc to the Government Pleader, S.R.No.28627

AR CS-VI
EU(20/05/2016)

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