

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-05-2016

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Writ Petition No.18220 of 2016

P.Sampath

[PETITIONER]

S/o.Ponnusamy No.3/56 Omakuppam
Maruthi Nagar Marimanikuppam Post
Vaniyampadi Taluk Vellore District

Vs

The Inspector of Police
Kurisilapattu Police Station
Vellore District

[RESPONDENT]

Writ petitions filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent authority to give permission to conduct the cultural program at Omakuppam Maruthi Nagar Arulmigu Sri Muthu Mariamman Koil Thiruvizha Vaniyampadi Taluk Vellore District on 03/06/2016 by considering the petitioner representation dated 17/05/2016

For Petitioner : Mr. A. Sathish Kumar

For Respondents : Mr. P. Sanjay Gandhi,
Addl.Govt.Pleader

ORDER

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

2. Seeking permission to conduct the village temple festival cultural programme at Omakuppam Maruthi Nagar Arulmigu Sri Muthu Mariamman Koil Thiruvizha Vaniyampadi Taluk Vellore District on 03/06/2016 by considering the petitioner representation dated 17/05/2016. 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 Addl.Government Pleader, who has taken notice on behalf of the respondent.

4. Learned Addl. Government Pleader, 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, however, with the following conditions:-

"(a) cultural programme at Omakuppam Maruthi Nagar Arulmigu Sri Muthu Mariamman Koil Thiruvizha Vaniyampadi Taluk Vellore District on 03/06/2016 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.
glp

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

The Inspector of Police
Kurisilapattu Police Station
Vellore District

+ 1 cc to Govt.Pleader SR 28624

+ 1 cc to Mr.A.Sathiskumar, Advocate SR 28542

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