

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.05.2016

CORAM

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

W.P.No.18225 of 2016

M.Palanisamy

... Petitioner

Vs.

The Inspector of Police,
Kadathur Police Station,
Kadathur, Erode District.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondent to grant permission and protection to conduct cultural programme (Dance & Music Program) in the A.Chettypalayam Mariaymman Kovil situated at No.20/40, Hospital Street, A.Chettypalayam, Gopi Taluk, Erode District, scheduled to be held on 26.05.2016 from 6.00 pm to 10.30 pm.

For Petitioner : Mr.N.Desinghu

For Respondent : Mr.P.Sanjai Gandhi, AGP

O R D E R

Seeking permission to conduct cultural programme in the event of "A.Chettypalayam Mariaymman Temple Festival" at No.20/40, Hospital Street, A.Chettypalayam, Gopi Taluk, Erode District on 26.05.2016, the petitioner made a representation dated 14.05.2016 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 Additional Government Pleader appearing for the respondent.

3. Learned Additional Government Pleader, 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 "A.Chettypalayam Mariaymman Temple Festival" at No.20/40, Hospital Street, A.Chettypalayam, Gopi Taluk, Erode District, however, with the following conditions:-

(a) The cultural programme in the event of '"A.Chettypalayam Mariaymman Temple Festival"' at No.20/40, Hospital Street, A.Chettypalayam, Gopi Taluk, Erode District, shall be conducted on 26.05.2016 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

//True Copy//

Sub Assistant Registrar

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To
The Inspector of Police,
Kadathur Police Station,
Kadathur, Erode District.
+ 1 CC to Mr.N.Deshingu, Advocate SR NO 28635

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