

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.18315 of 2016

S.Muthukumar

... Petitioner

Vs.

The Inspector of Police,
Sendamangalam Police Station,
Sendamangalam Taluk,
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/authority to grant permission to conduct the cultural dance programme, at Jangalapuram Selva Vinayagar Koil Thiruvizha on 06.06.2016 based on the petitioner's representation, dated 12.05.2016, at 125, West Jangalapuram, Sendamangalam Post and Taluk, Namakkal District.

For Petitioner : Mr.A.Sathishkumar
For Respondent : Mr.A.Zakir Hussain
Government Advocate

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who accepts notice on behalf of the respondent. With the consent of the parties, the main Writ Petition is taken up for final disposal at the stage of admission.

2. Seeking permission to conduct cultural programme in the event of 'Jangalapuram Selva Vinayagar Koil Thiruvizha' at 125, West Jangalapuram, Sendamangalam Post and Taluk, Namakkal District, on 06.06.2016, the petitioner made a representation dated 12.05.2016, to the respondent. As the same has not been considered, the present writ petition has been filed.

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 petitioner's 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 'Jangalapuram Selva Vinayagar Koil Thiruvizha' at 125, West Jangalapuram, Sendamangalam Post and Taluk, Namakkal District, however, with the following conditions:-

(a) The cultural programme in the event of 'Jangalapuram Selva Vinayagar Koil Thiruvizha' at 125, West Jangalapuram, Sendamangalam Post and Taluk, Namakkal District, shall be conducted on 06.06.2016 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/-

Vacation Officer.

/true copy/

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Sub Asst. Registrar.

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To
The Inspector of Police,
Sendamangalam Police Station,
Sendamangalam Taluk,
Namakkal District.

+ 1 cc to Mr.A.Sathish Kumar, Advocate sr no 28685

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