

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

Writ Petition No. 31372 of 2016

A.Chandrasekaran

.. Petitioner

Versus

State rep. by
Inspector of Police,
Palacode Police Station,
Palacode,
Dharmapuri District.

... Respondent

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondent Police to give permission to the petitioner on the basis of the representation dated 5.9.2016 and the E-Mail dated 5.9.2016 to conduct cultural program in his Village on the final day of Vinayaga Chathurthi Festival i.e. 8.9.2016 at 7 p.m. to 10 p.m..

For Petitioner : Mr. H.B.Saravana Kumar
For Respondent : Mr. R. S.Selvam
Government Advocate

ORDER

In identical batch of cases, this Court passed an order dated 04.03.2014 in WP Nos. 6451 to 6456 of 2014 etc., batch. By the said order dated 04.03.2014, this Court dismissed identical prayer sought for by the petitioners therein. In Para Nos. 8 to 11 of the order dated 04.03.2014, it was held as follows:-

8. As mentioned in the decision supra, in the present case, the petitioners do not have semblance of right to seek for issuance of a Mandamus to the respondents herein. The petitioners have not cited any Statute, which imposes an obligation or a public duty upon the respondents to permit them to conduct such festivals.

9. In fact, while sitting in the Vacation Court, I passed an order on 23.05.2013 in Writ Petition Nos. 14469 of 2013 etc., batch wherein identical prayer sought for by the petitioners therein was rejected by me. Even in the said case, I found out that the representations have been sent either from the post office situate

within the premises of this Court or from the General Post Office at Madras, whereas the petitioners therein are residents or natives of other Districts. As mentioned above, in the present case also, the representations said to have been sent by the petitioners cannot be relied on inasmuch as they were either posted in the post office within the premises of this Court or the General Post Office, Madras, whereas the petitioners are residents of Erode, Salem and Namakkal Districts. Further a perusal of the representations annexed along with the typed set would indicate that the petitioners have not stated as to what is the requirement to have such a dance programme in the temple festival. Such a requirement to conduct dance festival in the temple is a recent creation and not borne out by any tradition or culture. In many cases, it is brought to the notice of this Court that a particular organised group is utilised for performance of the so-called dance festival. Such dance programmes are conducted only to lure the young minds and to take them to wrong path. It is also brought to the notice of this Court that such dance festivals are conducted late in the night which results in lots of chaos and problems in the area. Further, the audience of these dance programmes are mostly intoxicated besides they use the area where the dance programme is being conducted for unlawful activities. Such a practice has to be curbed.

10. Above all, in certain cases, it is brought to the notices of this Court that the respondent police denied permission by citing law and order problem to permit such dance festivals. The police authorities alone are competent to ensure whether permission can be granted or denied. While so, when the police denies permission for conducting dance programme, as sought for by the petitioners, then, normally, this Court cannot interfere with the same and issue a Mandamus to the police to permit the petitioners to have their dance programme.

11. For all the above said reasons, these writ petitions are dismissed. No costs.

Following the order dated 04.03.2014 passed in WP No. 6451 to 6456 of 2014 etc., batch, this writ petition is also dismissed. No costs.

Sd/-

Asst.Registrar (CCC)

To

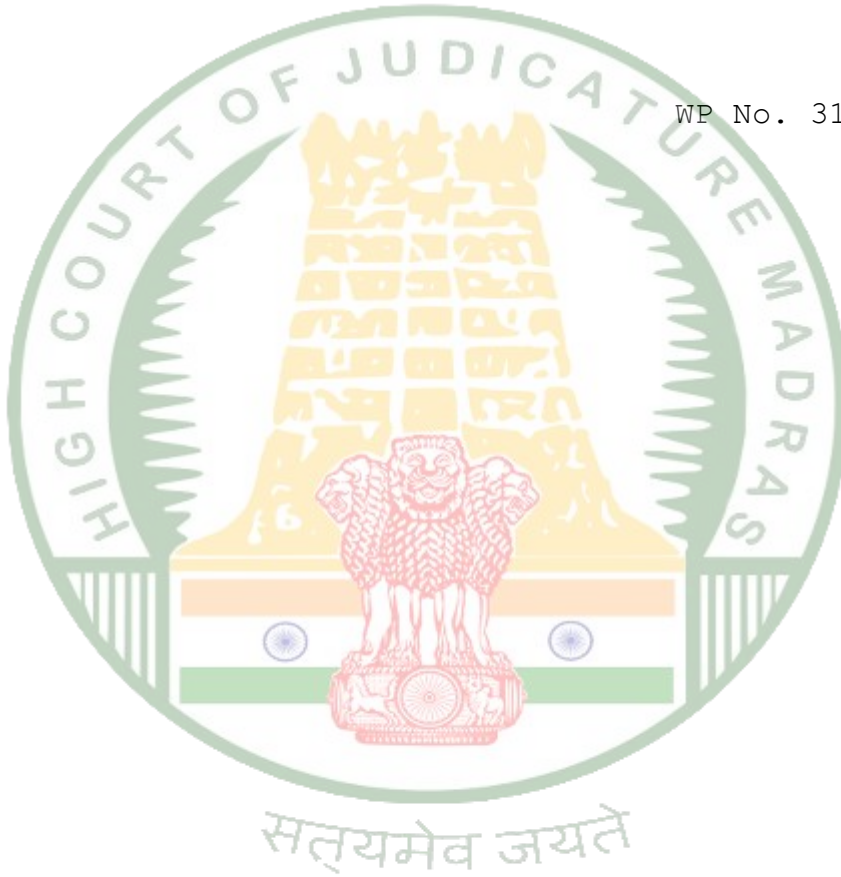
Inspector of Police,
Palacode Police Station,
Palacode,
Dharmapuri District.

+1 cc to M/s.H.B.Saravanakumar,advocate,sr.51692

+1 cc to Govt Pleader,sr.51295.

cnr(co)
krd 26/9

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