

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.3172 of 2016

M.Subramaniam

... Petitioner

Vs

1. The Superintendent of Police
Erode District, Erode.

2. The Inspector of Police
Kodumudi Police Station
Kodmudi, Erode Taluk & District

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the the 2nd respondent to grant permission immediately to the petitioner and villagers of Puravipalayam to conduct cultural and cinema dance programme nearby the Arulmigu Sri Bhagavathi Amman Temple on Saturday 06.02.2016 between 10.00 p.m. to 1.00 a.m. midnight by considering the representation of the petitioner dated 15.01.2016 subject to the conditions that may be imposed by this Honourable Court in the interest.

For Petitioner : Mr.P.Shanmugasundaram

For Respondents : Mr.P.Karthikeyan,
Government Advocate

ORDER

Seeking permission to conduct cultural programme on 06.02.2016 at Arulmigu Sri Bhagavathi Amman Temple, Kolathupalayam Village, Unjalur Post, Erode District, the petitioner made a representation dated 15.01.2016 to the 2nd 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 Government Advocate appearing for the respondents.

3. Learned Government Advocate, on instructions, would submit that there is likelihood of 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 on 06.02.2016 at Arulmigu Sri Bhagavathi Amman Temple, Kolathupalayam Village, Unjalur Post, Erode District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Arulmigu Sri Bhagavathi Amman Temple, Kolathupalayam Village, Unjalur Post, Erode District, be held on 06.02.2016 between 10.00 p.m and 01.00 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 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.

(i) The respondents are directed to issue necessary permission, incorporating the above conditions.
No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police
Erode District, Erode.
2. The Inspector of Police
Kodumudi Police Station
Kodmudi, Erode Taluk & District

+lcc to Mr.P.Shanmugasundaram, Advocate, S.R.No.5374
+lcc to the Government Pleader, S.R.No.6069

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BVR(CO)
CA(04/02/2016)



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