

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.Nos.4077 and 4078 of 2016

C.Vasantha Kumar .. Petitioner in W.P.No.4077 of 2016
R.Karuppanna Gounder .. Petitioner in W.P.No.4078 of 2016

Vs.

The Inspector of Police,
Chittode Police Station,
Erode District. .. Respondent in W.P.No.4077 of 2016

The Inspector of Police
Pallipalayam Police Station,
Namakkal District .. Respondent in W.P.No.4078 of 2016

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents respectively authority to give permission to conduct the cultural programmes at Kumizhanparappu Sri Punkuzhali Mariamman Koil Thiruvizha and at Lakshmipalayam Arulmighu Sri Mariamman Koil Thiruvizha respectively on 04.02.2016 and 05.02.2016 respectively by considering the petitioners representations dated 30.01.2016 respectively.

For Petitioners : Mr..R.P.Murugan Raja

For respondents : Mr.S.Navaneethan
Addl.Govt.Pleader

COMMON ORDER

With the consent of both sides, these Writ Petitions are taken up for final disposal.

2. Seeking permission to conduct cultural programmes on 04.02.2016 and 05.02.2016 respectively at Kumizhanparappu Sri Punkuzhali Mariamman Koil Thiruvizha and at Lakshmipalayam Arulmighu Sri Mariamman Koil Thiruvizha respectively, the petitioners have made a representation dated 30.01.2016 respectively to the respondents respectively. As the same has

not been considered, the present writ petitions have been filed.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents.

4. Learned Additional 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 representations. 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 petitions are allowed and the petitioners are permitted to conduct cultural programmes on 04.02.2016 and 05.02.2016 at Kumizhanparappu Sri Punkuzhali Mariamman Koil Thiruvizha and at Lakshmipalayam Arulmighu Sri Mariamman Koil Thiruvizha respectively, however, with the following conditions:-

(a) The cultural programmes in connection with temple Festival at Kumizhanparappu Sri Punkuzhali Mariamman Koil Thiruvizha and at Lakshmipalayam Arulmighu Sri Mariamman Koil Thiruvizha respectively to be held on 04.02.2016 and at 05.2.2016 respectively between 06.00 p.m. to 10.30 p.m respectively.

(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/-Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,
Chittode Police Station,
Erode District.

2. The Inspector of Police
Pallipalayam Police Station,
Namakkal District

+2 ccs to Mr.R.P.Murugan Raja Advocate sr.7083 & 7084

+2 ccs to Government Pleader sr.7184 & 7185

W.P.Nos.4077 and 4078 of 2016.

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