

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4249 of 2016

P.Manickasundaram

... Petitioner

Vs.

State rep. by Inspector of Police,
Sivagiri Police Station,
Erode District.

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to give permission to conduct the dance programme in the event of Arulmighu Maha Mariamman Temple festival on 17.02.2016 at Parapalayam, Erode District.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.S.Pattabiraman, Govt. Advocate

ORDER

Seeking permission to conduct the cultural, dance and music programme on 17.02.2016 in the event of Arulmighu Maha Mariamman Temple festival at Parapalayam, Erode District, the petitioner made a representation, dated 01.02.2016 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 Government Advocate appearing for the respondent.

3. Learned Government Advocate, on instructions, submitted that there is likelihood of law and order problem in conducting the said programme.

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 the said cultural, dance and music programme in

Arulmighu Maha Mariamman Temple festival on 17.02.2016 at Parapalaym, Erode District, however, with the following conditions:-

(a) The said programme in connection with the above said Temple festival, which is scheduled to be held on 17.02.2016, should be held between 6.00 pm and 10.30 pm.

(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 said programme 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;

(h) Similarly, the Police is entitled to stop the said programme, if it exceeds beyond the permitted time.

(i) The respondent is directed to issue necessary permission to conduct the above said dance programme, incorporating the above conditions.

No costs.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

CS

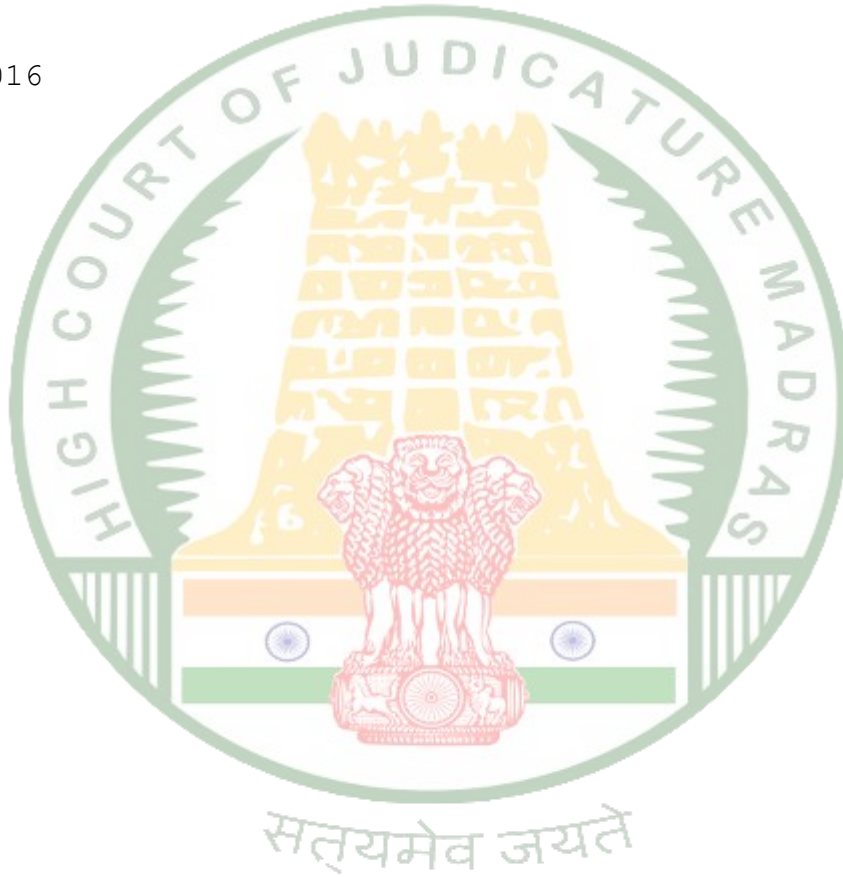
Copy to

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

+1 cc to Mr.C.S.Saravanan Advocate sr.7144
+1 cc to Government Pleader High Court Madras
sr.7520

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