

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4258 of 2016

M.Babu Sankar

... Petitioner

Vs

The Inspector of Police,
Nangavalli Police Station,
Salem 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 authority to give permission to conduct the cultural programme at Balakaranur Sakthi Mariamman Koil Thiruvizha on 05.02.2016 by considering the petitioner's representation, dated 30.01.2016.

For Petitioner : Mr.R.P.Murugan Raja

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

ORDER

Seeking permission to conduct the cultural programme on 05.02.2016 at Balakaranur Sakthi Mariamman Temple Thiruvizha, the petitioner made a representation, dated 30.01.2016 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 cultural 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 cultural programme at Balakaranur Sakthi Mariamman Temple Thiruvizha on 05.02.2016, however, with the following conditions:-

(a) The cultural programme in connection with the above said Temple Thiruvizha, is scheduled to be held on 05.02.2016.

(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 cultural 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; and

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

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

No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

CS

TO

The Inspector of Police,
Nangavalli Police Station,
Salem District.

+ 1 cc to Mr.R.P. Murugan Raja, Advocate Sr.7163

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SCD(CO)
EU 4.2.16