

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.4838 of 2016

K.Ayyanar

... Petitioner

vs.

1. The Superintendent of Police,
Salem District.
 2. The Inspector of Police,
Tharamangalam Police Station,
Salem.
- ... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to give permission to conduct the Gramia Nadana Natiya (Dance) programme in the event of Omalur, Om Kalamman Thirukoil Masi Thiruvizha, on 9.2.2016 at Omalur, Om Kalamman Thirukoil Thiruvizha.

For Petitioner : Mr.T.Shanmugam

For Respondents : Mr.M.Dig Vijaya Pandian,
Addl. Govt. Pleader.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. Seeking permission to conduct cultural programme on 9.2.2016 in Kamachiamman Temple festival at at Omalur, Om Kalamman Thirukoil Thiruvizha, the petitioner made a representation dated 2.2.2016 to the second respondent. As the same has not been considered, the present writ petition has been filed.

3. Heard the learned counsel appearing for the petitioner 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 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 9.2.2016 in Kamachiamman Temple at Omalur, Om Kaliyamman Thirukoil Thiruvizha, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Omalur, Om Kaliyamman Thirukoil Thiruvizha, to be held on 7.2.2016 between 06.00 p.m. to 10.30 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogue 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.

Further, the respondent is directed to issue necessary permission, incorporating the above conditions. No costs.

sbi

08/02/2016

This petition having been posted this day ie., Tuesday, the 9th day of February 2016 Under the Caption for being mentioned in pursuance to the order of this Court dated 08/02/2016 and made herein in the presence of the above said Advocates, the Court made the following Order:

This writ petition is listed today under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. This Court by order dated 08.02.2016 made in WP.No.4838/2016, granted permission to the petitioner to conduct cultural programme on 09.02.2016 with certain conditions. In the said order, the name of the temple has been wrongly mentioned as "Kamachiamman Temple at Omalur" instead of "Arulmighu Om Kaliyamman Koil, Pallikondanparai, Desavilakku, Omalur Taluk". Similarly, the date and the time at which the programme is scheduled to be conducted, have also been wrongly mentioned as "07.02.2016 between 06.00pm to 10.30pm" instead of "09.02.2016 between 7.00pm to 11.00pm".

3. Heard both sides.

4. Since the above said typographical errors had crept in, in the said order, this Court is inclined to rectify the same. Accordingly, paras 2, 5 and 5(a) of the order dated 08.02.2016 are modified, which read as follows:

"2. Seeking permission to conduct cultural programme on 09.02.2016 in Arulmighu Om Kaliyamman Koil, Pallikondanparai, Desavilakku, Omalur Taluk, the petitioner made a representation dated 2.2.2016 to the second respondent. As the same has not been considered, the present writ petition has been filed."

"5. 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 9.2.2016 in Arulmighu Om Kaliyamman Koil, Pallikondanparai, Desavilakku, Omalur Taluk, however with the following conditions:-"

“(a) The cultural programme in connection with temple festival at Arulmighu Om Kaliyamman Koil, Pallikondanparai, Desavilakku, Omalur Taluk, to be held on 09.02.2016 between 07.00 pm to 11.00pm.”

Registry is directed to issue fresh order copy to the petitioner, on due application.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

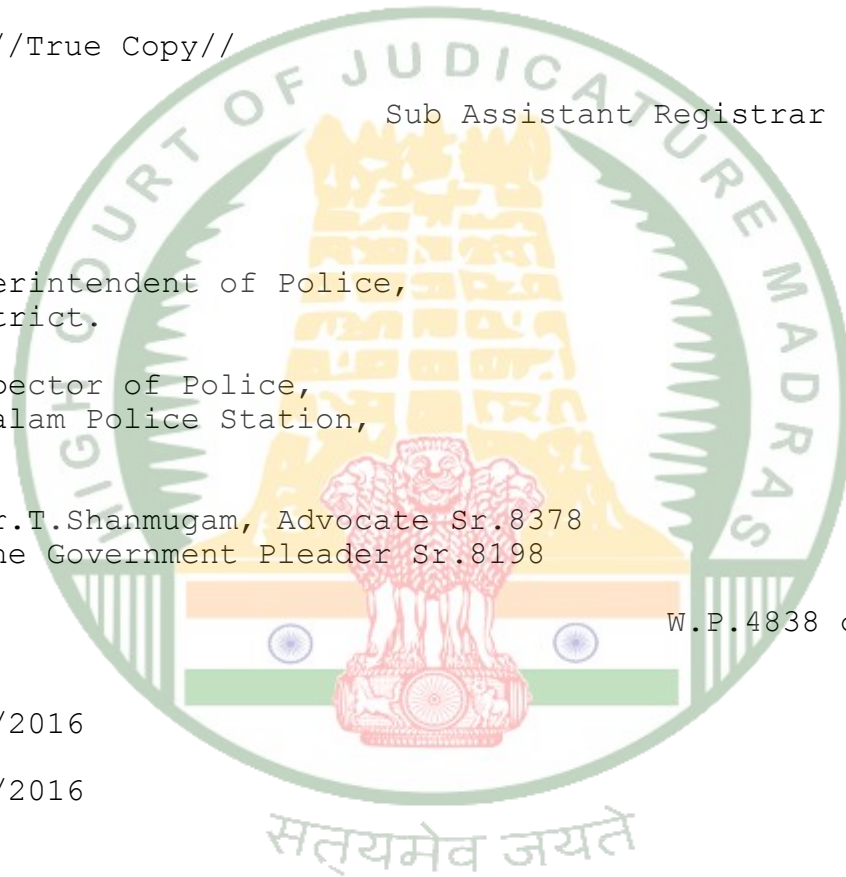
1.The Superintendent of Police,
Salem District.

2.The Inspector of Police,
Tharamangalam Police Station,
Salem.

+1cc to Mr.T.Shanmugam, Advocate Sr.8378
+1cc to The Government Pleader Sr.8198

W.P.4838 of 2016

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