

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.5027 of 2016

T.Namachivayam

.. Petitioner

Vs.

The Inspector of Police (Rural)
Sivagiri Police Station
Sivagiri, Erode District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent authority to give permission for conducting dance programme to be held on 14.03.2016 at Sri Ellai Makaliamman Temple, Muthur Road, Sivagiri, Erode District.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.S.Pattabiraman, GA.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. Seeking permission to conduct cultural programme on 14.03.2016 in Sri Ellai Makaliamman Temple to be held at Muthur Road, Sivagiri, Erode District, the petitioner made a representation dated 26.01.2016 to the 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 Government Advocate appearing for the respondent.

4. Learned Government Advocate, 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 14.03.2016 in Sri Ellai Makaliamman Temple to be held at Muthur Road, Sivagiri, Erode District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Muthur Road, Sivagiri, Erode District, to be held on 14.03.2016 between 07.00 p.m. to 11.00 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 respondent is directed to issue necessary permission, incorporating the above conditions. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To
The Inspector of Police (Rural)
Sivagiri Police Station
Sivagiri, Erode District.

1 cc to Mr.C. Prakasam, Advocate, Sr. 8925
1 cc to M/s. Government Advocate, Sr. 8851

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