

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2016

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.542 of 2016

M.Gurusamy

... Petitioner

Vs.

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

.... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to give permission to conduct a cultural program scheduled to be held on 20.01.2016 at Nachiapalayam Sri Kalamman Koil Thiruvizha, Edapadi Taluk, Salem District by considering the petitioner's representation dated 04.01.2016.

For Petitioner : Mr.R.P.Murugan Raja
For Respondent : Mr.P.Sanjay Gandhi,
Addl. Government Pleader

O R D E R

Seeking permission to conduct a festival program scheduled to be held on 20.01.2016 at Nachiapalayam Sri Kalamman Koil Thiruvizha, Edapadi Taluk, Salem District, the petitioner made a representation dated 04.01.2016 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, would submit that there is likelihood of law and order problem.

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 festival cultural programme on 20.01.2016 at Nachiapalayam Sri Kalamman Koil Thiruvizha, Edapadi Taluk, Salem District, however, with the following conditions:-

(a) The festival programme on 20.01.2016 at Nachiapalayam Sri Kaliyamman Koil Thiruvizha, Edapadi Taluk, Salem District be held between 06.00 p.m and 10.30 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/-
Assistant Registrar (CO)

/TRUE COPY/ सत्यमेव जयते
Sub-Assistant Registrar

rms

To
The Inspector of Police,
Edapadi Police Station,
Salem District.

+1 CC to MR.R.P.Murugan Raja Advocate. SR.NO. 939
+1 CC to Govt.Pleader. SR.NO. 1401

W.P.No.542 of 2016

CO-CA
JD 12/01/2016