

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.5882 of 2016

M.Sakthi Nathan

.. Petitioner

Vs.

The Superintendent of Police,  
Dharmapuri,  
Dharmapuri District.

2.The Inspector of Police,  
Thoppur Police Station,  
Thoppur, Dharmapuri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to perform the cultural programs on 24.02.2016 at Sri Arulmigu Agni Mariyamman Temple, Melparigam Village, Maaniyadha Alli Panchayat, Dharmapuri District between the time 6pm to 10.00pm and harmony in the village as per the practise and custom that has been in vogue for many decades.

For Petitioner : Mr.R.J.Yoga Anandhi

For Respondents : Mr.Navanethan, AGP.

सत्यमेव जयते  
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 24.02.2016 in Sri Arulmigu Agni Mariyamman Temple Festival to be held at Maaniyadha Alli Panchayat, Dharmapuri District, the petitioner made a representations dated 06.02.2016 and 10.02.2016 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 Additional Government Pleader appearing for the respondent.

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 24.02.2016 in Sri Arulmigu Agni Mariyamman Temple Festival to be held at Maaniyadha Alli Panchayat, Dharmapuri District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Maaniyadha Alli Panchayat, Dharmapuri District, to be held on 24.02.2016 between 06.00 p.m. to 10.00 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.

(h) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time; and

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

No costs.

Sd/-  
Asst.Registrar

/true copy/

To

1. The Superintendent of Police,  
Dharmapuri, Dharmapuri District.

2. The Inspector of Police,  
Thoppur Police Station,  
Thoppur, Dharmapuri District.

+ 1 cc to Mr.R.J.Yoga Anandhi, Advocate Sr 10459

+ 1 cc to The Govt.Pleader, Sr 10559

KR/22/2/16

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