

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.6191 of 2016

P.Kuppusamy

.. Petitioner

Vs.

1. The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Dharapuram.

2. The Inspector of Police,
Dharapuram Police Station,
Dharapuram,
Tirupur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents authority to grant permission to conduct the cultural programme on Morning of 11.03.2016 and in the evening of 12.03.2016 as part of Arulmigu Shri Kaliyamman Temple festival in Dharapuram town of Dharapuram Taluk by considering the petitioner's representation dated 12.02.2016.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr. Dig Vijay Pandian, AGP.

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 12.03.2016 in Arulmighu Sri Kaliyamman Temple to be held at Dharapuram Town & Taluk, the petitioner made a representation dated 12.02.2016 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 12.03.2016 in Arulmighu Sri Kaliyamman Temple to be held at Dharapuram Town & Taluk, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Dharapuram Town & Taluk, to be held on 12.03.2016 between 07.00pm to 11.00pm.

(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.
tsh.

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Dharapuram.
2. The Inspector of Police,
Dharapuram Police Station,
Dharapuram,
Tirupur District.

+ 1 cc to Mr.N.Ponraj, Advocate SR 10795

+ 1 cc to Govt.Pleader SR 11077

sns(co)
prk25/2

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