

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6479 of 2016

M.S.Kamaraj

... Petitioner

Vs.

The Inspector of Police
Pallapatti Police Station
Salem District.

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent to grant permission and protection to conduct cultural Program (dance and music program) in the Sri Mariamman Temple Festival situated at Pallapatti, Salem- 636 009, scheduled to be held on 03.03.2016 from 6.00pm to 11.00pm.

For Petitioner : Mr.N.Desinghu

For Respondent : Mr.V.Jayaprakash Narayanan, SGP

O R D E R

Seeking permission to conduct the cultural programme on 03.03.2016 in Sri Mariamman Temple Festival situated at Pallapatti, Salem- 636 009, the petitioner made a representation dated 15.02.2016 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 Special Government Pleader appearing for the respondent.

3. Learned Special Government Pleader, 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 cultural programme on 03.03.2016 in Sri Mariamman

Temple Festival situated at Pallapatti, Salem- 636 009, however, with the following conditions:-

(a) The dance programme in connection with temple Festival in Sri Mariamman Temple situated at Pallapatti, Salem- 636 009, to be held on 03.03.2016 between 06.30 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.
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Sd/-
Asst.Registrar

/true copy/

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

1 c c to Mr.N.Desinghu, Advocate Sr 11518

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