IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6665 of 2016

P.Kaliannan ... Petitioner

Vs.

The Inspector of Police,
Namakkal Police Station,
Namakkal District. ... Respondent

Prayer:
Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to grant permission and protection to conduct cultural program (Dance & Music Program) in the Arulmighu Vinayagar and Mariamman Temple festival situated at Bodhupatti, Bodhupatti Post, Paramathi Road, Namakkal District scheduled to be held on 06.03.2016 from 6.00 pm to 11.00 pm.

For Petitioner : Mr.N.Desinghu
For Respondent : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.Seeking permission to conduct cultural programme on 06.03.2016 in Arulmighu Vinayagar and Mariamman Temple festival situated at Bodhupatti, Bodhupatti Post, Paramathi Road, Namakkal District, the petitioner made a representation 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.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

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 06.03.2016 in Arulmighu Vinayagar and Mariamman Temple festival situated at Bodhupatti, Bodhupatti Post, Paramathi Road, Namakkal District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Arulmighu Vinayagar and Mariamman Temple festival situated at Bodhupatti, Bodhupatti Post, Paramathi Road, Namakkal District, to be held on 06.03.2016 between 06.00 p.m. to 10.30 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogue 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.

Further, the respondent is directed to issue necessary permission, incorporating the above conditions. No costs.

Sd/-
Asst.Registrar (CS IV )

/true copy/
Sub Asst. Registrar

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

To

The Inspector of Police,
Namakkal Police Station,
Namakkal District.

+1 cc to Mr.N.Desinghu Advocate sr.11671

W.P.No.6665 of 2016

aa25/02/2016

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/