

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.6968 of 2016

M.Baskar

.. Petitioner

Vs.

The Inspector of Police,
Mahudanchavadi Town Police Station
Sankarai Taluk, Salem District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant permission to conduct cultural program scheduled to be held on 28.02.2016 in Mariamman Kaliyamman Koil situated at S.M.Pudur, Sankari Taluk, Salem District by considering the petitioner's representation dated 23.02.2016.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.P.Karthikeyan,
Government Advocate

ORDER

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. Seeking permission to conduct cultural programme on 28.02.2016 in Mariamman Kaliyamman Koil festival to be held at S.M.Pudur, Sankari Taluk, Salem District, the petitioner made a representation dated 23.02.2016 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 Government Advocate appearing for the respondent.

4. Learned Government Advocate 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 28.02.2016 in Mariamman Kaliyamman Koil Festival to be held at S.M.Pudur, Sankari Taluk, Salem District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at S.M.Pudur, Sankari Taluk, Salem District, to be held on 28.02.2016 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Inspector of Police,
Mahudanchavadi Town Police Station
Sankarai Taluk, Salem District.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.11912
+1cc to the Government Pleader, S.R.No.12193

W.P.No.6968 of 2016

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