

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7190 of 2016

M.Ramasamy

... Petitioner

Vs.

1. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police,
Trichengode.
2. The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam, Trichengode Taluk,
Namakkal District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to grant permission to conduct the cultural Programme in the evening on 03.03.2016 as part of Arulmighu Sri Ellai Mariamman temple festival at Kumarapalayam in Namakkal District by considering the petitioner's representation dated 17.02.2016.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.V.Jayaprakash Narayanan,
SGP

सत्यमेव जयते
O R D E R

Seeking permission to conduct the cultural programme on 03.03.2016 in Arulmighu Sri Ellai Mariamman temple festival at Kumarapalayam, Namakkal District, the petitioner made a representation dated 17.02.2016 to the second 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 Arulmighu Sri Ellai Mariamman temple festival at Kumarapalayam, Namakkal District, however, with the following conditions:-

(a) The dance programme in connection with temple Festival in Arulmighu Sri Ellai Mariamman temple at Kumarapalayam, Namakkal District, 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 second respondent is directed to issue necessary permission, incorporating the above conditions.

No costs.

rk

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police,
Trichengode.

2. The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam, Trichengode Taluk,
Namakkal District.

+ 1 cc to Mr.N.Ponraj, Advocate, SR 12155

+ 1 cc to Government Pleader, High Court, Madras SR 12546

gj(co)
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