

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.7614 of 2016

P.Kumar

.. Petitioner

Vs.

The Inspector of Police,
Omalur Police Station
Salem District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to grant permission based on petitioner's representation dated 25.02.2016 to conduct the programme which is scheduled to be held on 04.03.2016 at Kaliyamman Temple, situated at Dasanayakkanpatti, Omalur Taluk, Salem District.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.S.Navaneethan, 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 04.03.2016 in Kaliyamman Temple festival to be held at Dasanayakkanpatti, Omalur Taluk, Salem District, the petitioner made a representation dated 25.02.2016 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 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. He has also stated that the petitioner has not submitted any proof for submitting his representation dated 25.02.2016.

5.The learned counsel for the petitioner has produced the copy of the representation dated 25.02.2016 and the postal receipt for the same before this Court.

6.In view of the above, the petitioner is directed to produce the copy of the representation dated 25.02.2016 and the postal receipt along with the copy of this order to the respondent police.

7. Further, 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 04.03.2016 in Kalliamman Temple festival to be held at Dasanayakkanpatti, Omalur Taluk, Salem District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Dasanayakkanpatti, Omalur Taluk, Salem District, to be held on 04.03.2016 between 06.00 p.m. to 11.00p.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.

(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-I)

True Copy

Sub-Assistant Registrar

To

The Inspector of Police,
Omalur Police Station
Salem District.

+ 1 cc to Mr.C.Prabakaran, Advocate, SR 13080

+ 1 cc to Government Pleader, High Court, Madras SR 13210

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W.P.No.7614 of 2016



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