

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8583 of 2016

R.Madeshwaran

... Petitioner

Vs

The Inspector of Police
Kitchipalayam Police Station
Kitchipalayam
Salem District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondent to give permission to the petitioner to conduct a cultural program scheduled to be held on 9/3/2016 "Shri Kaliyamman Temple" at 4-41-/NA, Ricemill near Sunniyasi Gundu, Salem District, by considering the petitioner's representation dated 5/3/2016.

For Petitioner ... Mr.Satheesh

For respondent ... Mr.S.Pattabiraman
Government Advocate

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.Satheesh, learned counsel for the petitioner and Mr.S.Pattabiraman, learned Government Advocate for the respondent.

3. Seeking permission to conduct cultural programme, on 9/3/2016, at Shri Kaliyamman Temple, 4-41-/NA, Ricemill near Sunniyasi Gundu, Salem District, by considering the petitioner's representation dated 5/3/2016, to the respondent. As the same has not been considered, the present writ petition has been filed.

4. The learned Additional Government Pleader, on instructions, would submit that there is a likelihood of arising 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.

6. In such view of the matter, the writ petition is allowed and the petitioner is permitted to conduct cultural programme, on 9/3/2016 at Shri Kaliyamman Temple, 4-41-/NA, Ricemill near Sunniyasi Gundu, Salem District, however with the following conditions:-

(a). The cultural programme in connection with temple Festival at Shri Kaliyamman Temple, 4-41-/NA, Ricemill near Sunniyasi Gundu, Salem District, to be held on 9/3/2016, between 06.00 p.m. to 11.00 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.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mvs.

To

The Inspector of Police
Kitchipalayam Police Station
Kitchipalayam
Salem District.

1 cc to Mrs.Sathish Maheswari, Advocate, Sr. 14581

W.P.No.8583 of 2016

SCD (CO)
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