

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.8607 of 2016

K.Loganathan

.. Petitioner

Vs.

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

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

.. Respondents

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 programme in the evening on 10.03.2016 as part of Arulmighu Sri Mahamariamman Temple festival at Kumarapalayam in Namakkal District by considering the petitioner's representation dated 03.03.2016.

For Petitioner : Mr.N. Ponraj

For Respondents : Mr.R.As. Senthilvel,
Addl. Govt. Pleader

सत्यमेव जयते
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 10.03.2016 in Arulmighu Sri Mahamariamman Temple festival to be held at Kumarapalayam, Namakkal District, the petitioner made a representation dated 03.03.2016 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 respondents.

4. Learned Additional Government Pleader 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 10.03.2016 in Arulmighu Sri Mahamariamman Temple festival to be held at Kumarapalayam, Namakkal District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Kumarapalayam, Namakkal District, to be held on 10.03.2016 between 06.00pm 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 respondents are directed to issue necessary permission, incorporating the above conditions.

No costs.

-s/d-
Assistant Registrar (CSII)

True Copy

Sub-Assistant Registrar

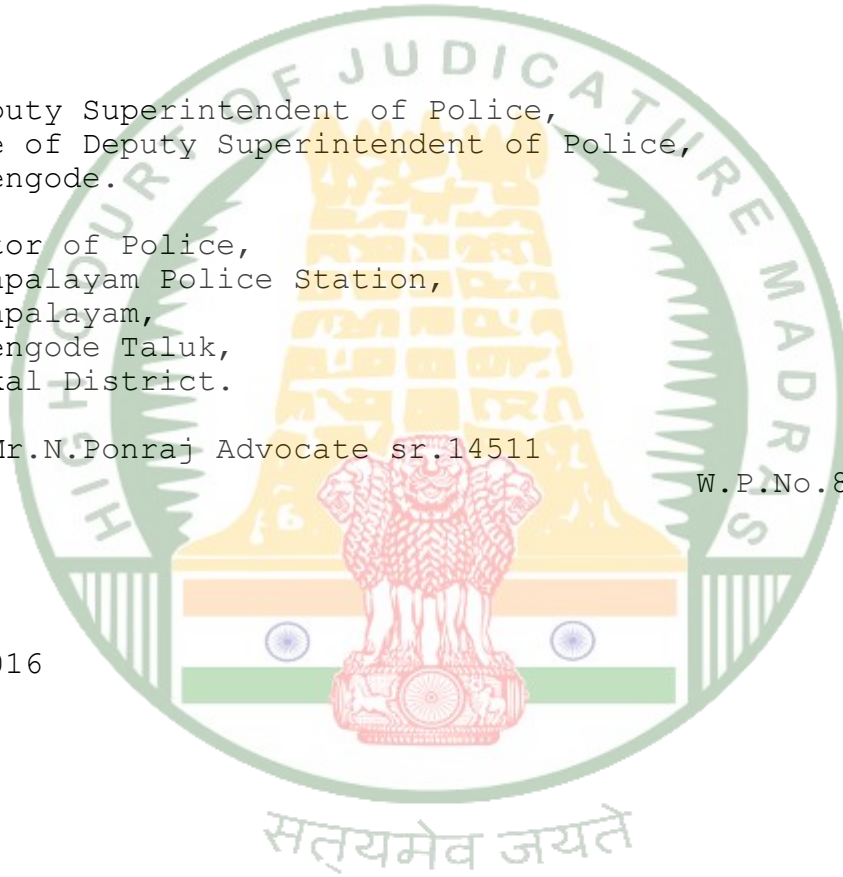
To

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

+1 cc to Mr.N.Ponraj Advocate sr.14511

W.P.No.8607 of 2016

ad(co)
aa10/03/2016



WEB COPY