

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.Nos.9051 to 9053 of 2016

M.Arulselvam .. Petitioner in W.P.No.9051 of 2016
E.M.R.Balu .. Petitioner in W.P.No.9052 of 2016
K.R.S.Nallathambi Gounder .. Petitioner in W.P.No.9053 of 2016

Vs.

1. The Inspector of Police,
Bavani Police Station,
Erode District. .. Respondent in W.P.No.9051 of 2016
2. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District. .. Respondent in W.P.No.9052 of 2016
3. The Inspector of Police,
Mallasamudram Police Station,
Namakkal District. .. Respondent in W.P.No.9053 of 2016

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents respectively to give permission to conduct the cultural programme in the event of Kuppichipalayam, Sri Muthumariamman Koil Thiruvizha; Gandhipuram 1st Street, Arulmighu Sakthi Mariammal Koil Thiruvizha ; Karuppagoundampalayam Sri Sakthi Mariammal Koil Thiruvizha respectively to be held on 31.03.2016, 01.04.2016 and 01.04.2016 respectively at Kuppichiapalayam, Bavani Taluk, Erode District; Gandhipuram, Kumarapalayam Taluk, Namakkal District; Karuppagoundampalayam, Tiruchengodu Taluk, Namakkal District respectively by considering the petitioners representations dated 07.03.2016 respectively.

For Petitioners : Mr.R.P.Murugan Raja

For Respondents : Mr.K.Thangapandian
Government Advocate

C O M M O N O R D E R

With the consent of both sides, the Writ Petitions are taken up for final disposal.

2. Seeking permission to conduct cultural programme on 31.03.2016, 01.04.2016 and 01.04.2016 respectively in Kuppichipalayam, Sri Muthumariamman Koil Thiruvizha; Gandhipuram 1st Street, Arulmighu Sakthi Mariammal Koil Thiruvizha and Karuppagoundampalayam Sri Sakthi Mariamman Koil Thiruvizha respectively at Kuppichiapalayam, Bavani Taluk, Erode District; Gandhipuram, Kumarapalayam Taluk, Namakkal District; Karuppagoundampalayam, Tiruchengodu Taluk, Namakkal District respectively, the petitioners made a representation dated 07.03.2016 respectively to the respondent respectively. As the same have not been considered, the present writ petitions have been filed.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents respectively.

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 petitions are allowed and the petitioners are permitted to conduct cultural programme on 31.03.2016, 01.04.2016 and 01.04.2016 respectively in Kuppichipalayam, Sri Muthumariamman Koil Thiruvizha; Gandhipuram 1st Street, Arulmighu Sakthi Mariammal Koil Thiruvizha and Karuppagoundampalayam Sri Sakthi Mariamman Koil Thiruvizha respectively at Kuppichiapalayam, Bavani Taluk, Erode District; Gandhipuram, Kumarapalayam Taluk, Namakkal District; Karuppagoundampalayam, Tiruchengodu Taluk, Namakkal District respectively, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival as mentioned supra, to be held on 31.03.2016, 01.04.2016 and 01.04.2016 respectively between 06.00 p.m. to 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 respondents are directed to issue necessary permission, incorporating the above conditions.

No costs.
ssd

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,
Bavani Police Station,
Erode District.
2. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
3. The Inspector of Police,
Mallasamudram Police Station,
Namakkal District.

+ 3 ccs to Mr.R.P.Murugan Raja, Advocate Sr 15548, 15549,15550

+ 1 cc to The Govt.Pleader, Sr 15698

KR/18/3/16

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