

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.08.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No. 21956 of 2017

M.Chellappan
S/o.Mariappan,
Hereditary Trustee,
Arulmigu Veermathi Amman
Kollai Karuppanar Koil
Appuchi Amman Temple,
Kachupalli, Edapadi,
Salem

... Petitioner

Vs.

1. The Superintendent of Police,
Salem District, Salem.
2. The Inspector of Police,
Magudanchavadi Police Station,
Salem.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the 2nd respondent for issuing the permission with suitable condition on conducting the 'Vinayaga Chadurthi' Festival on the Temple of Arulmighu Veeramathi Amman, Kollai Karuppan and Appuchi Tirukovil, Kachupalli, Edapadi, Salem District on 25.08.2017 with cultural programmes, on consideration on the petitioner's representation dated 7.8.2017.

For Petitioner : Mr.K.Harikrishnan

For Respondent : Mr.D.Vairamoorthy,
Special Government Pleader

O R D E R

Seeking permission to conduct cultural programme in the event of Arulmigu Veeramathi Amman, Kollai Karuppan and Appuchi Tirukovil, Kachupalli, Edapadi, Salem District, the petitioner made a representation dated 07.08.2017 to the respondent. As

the same has not been considered, the present writ petition has been filed.

2. Though the prayer in the Writ Petition is worded as "seeking direction for issuing the permission with suitable condition on conducting the 'Vinayaga Chadurthi' Festival on the Temple of Arulmighu Veeramathi Amman, Kollai Karuppan and Appuchi Tirukovil, Kachupalli, Edapadi, Salem District on 25.08.2017 with cultural programmes", the learned counsel for the petitioner submitted that the petitioner intends only to conduct the cultural programme on the day of Vinayaka Chaturthi, for which he seeks permission.

3. Learned Special Government Pleader, on instructions, would submit that there is likelihood of arising 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 only to conduct cultural programme in the event of Temple of Arulmighu Veeramathi Amman, Kollai Karuppan and Appuchi Tirukovil, Kachupalli, Edapadi, Salem District however, with the following conditions:-

(a) The cultural programme in connection with the event of Temple of Arulmighu Veeramathi Amman, Kollai Karuppan and Appuchi Tirukovil, Kachupalli, Edapadi, Salem District, shall be conducted on 25.08.2017 between 06.00 p.m. and 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 shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) If there is 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 forthwith; and

(h) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit.

(i) The respondent is directed to issue necessary permission, incorporating the above conditions.
No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The Superintendent of Police,
Salem District, Salem.
2. The Inspector of Police,
Magudanchavadi Police Station,
Salem.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Harikrishnan, Advocate sr. 59395
+1cc to the Government Pleader Sr. 59974

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MN(CO)
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