

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.22171 of 2017

K.P.Settu

.. Petitioner

Vs

1. The Superintendent of Police,
Sathuvachari,
Vellore District.

2. Deputy Superintendent of Police,
Arakkonam,
Vellore District.

3. The Inspector of Police,
F-3, Police Station,
Sholingar,
Vellore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the third respondent to give permission to conduct Adal Padal (Kalai Nigaichi) in Vinayagar Temple in Police Lane Street, Sholingar, Vellore District on 26.08.2017 by considering the petitioner's representation dated 28.07.2017.

For Petitioner : Mr.B.Loganathan

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

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O R D E R

Seeking permission to conduct cultural programme in the event of 'Vinayagar Chathurthi' in the Vinayagar Temple situated at Police Lane Street, Sholingar, Vellore District, the petitioner made a representation dated 28.07.2017 to the third respondent. As the same has not been considered, the present writ petition has been filed.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

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 to conduct cultural programme in the event of 'Vinayagar Chathurthi' in the Vinayagar Temple situated at Police Lane Street, Sholingar, Vellore District, however, with the following conditions:-

(a) The cultural programme in connection with the event of 'Vinayagar Chathurthi' in the Vinayagar Temple situated at Police Lane Street, Sholingar, Vellore 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 third respondent is directed to issue necessary permission, incorporating the above conditions. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

smi

To

1. The Superintendent of Police,
Sathuvachari,
Vellore District.
2. Deputy Superintendent of Police,
Arakkonam,
Vellore District.
3. The Inspector of Police,
F-3, Police Station,
Sholingar,
Vellore District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Dinesh Kumar, Advocate, S.R.No.60727
+1cc to the Government Pleader, S.R.No.60549

सत्यमेव जयते

W.P.No.22171 of 2017

AR(CS V)
CS/24/08/17

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