

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.22561 of 2017

R.Rajasekaran

.. Petitioner

Vs

1.The Superintendent of Police,
The Office of the Superintendent of Police,
Cuddalore,
Cuddalore District.

2.The Inspector of Police,
Thirupadripuliyur Police Station,
Thirupadripuliyur,
Cuddalore district-607 002.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant permission and protection for the Cultural Program (Orchestra and dancing) in Vinayagar Sathurthi Festival at Throwpathi Amman Aalayam situated at Ramapuram Village, Cuddalore Taluk, Cuddalore District in which planned to be held on 28.08.2017.

For Petitioner : Mr.M.Samuel Raja

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

सत्यमेव जयते
O R D E R

Seeking permission to conduct cultural programme in the event of Vinayagar Sathurthi Festival at Throwpathi Amman Aalayam situated at Ramapuram Village, Cuddalore Taluk, Cuddalore District, the petitioner made a representation dated 28.08.2017 to the 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 respondent.

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 Sathurthi Festival at Throwpathi Amman Aalayam situated at Ramapuram Village, Cuddalore Taluk, Cuddalore District, however, with the following conditions:-

(a) The cultural programme in connection with in the event of Vinayagar Sathurthi Festival at Throwpathi Amman Aalayam situated at Ramapuram Village, Cuddalore Taluk, Cuddalore District, shall be conducted on 28.08.2017 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.

5. With the above directions, the Writ Petition is allowed.
No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

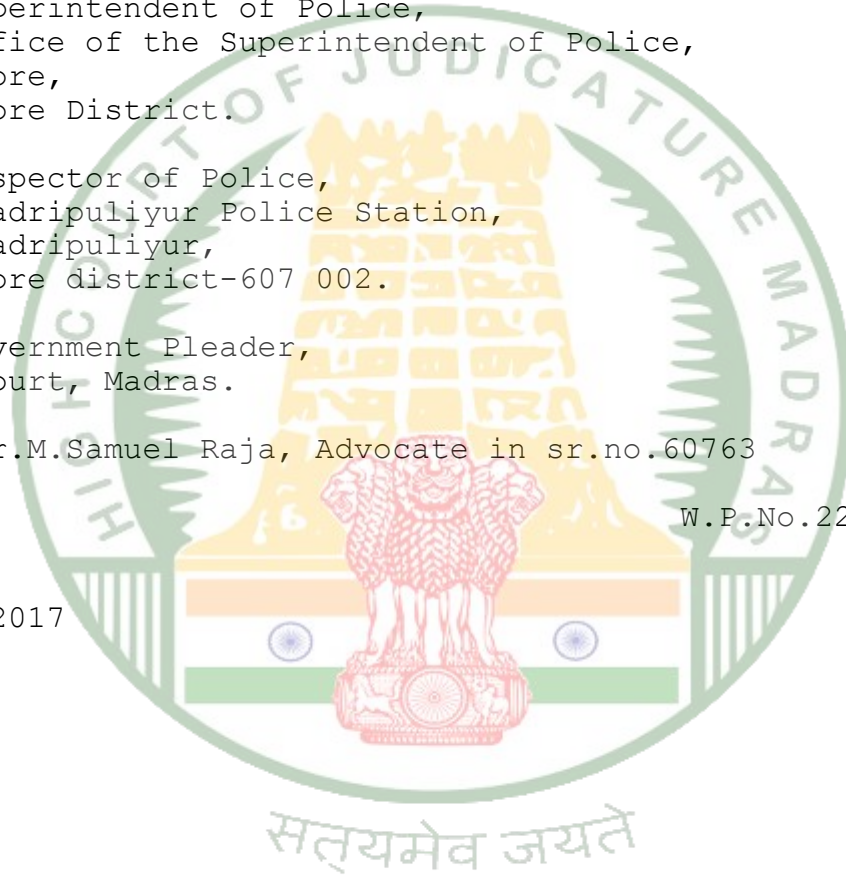
To

1. The Superintendent of Police,
The Office of the Superintendent of Police,
Cuddalore,
Cuddalore District.
2. The Inspector of Police,
Thirupadripuliyur Police Station,
Thirupadripuliyur,
Cuddalore district-607 002.
3. The Government Pleader,
High Court, Madras.

+1cc to Mr.M.Samuel Raja, Advocate in sr.no.60763

W.P.No.22561 of 2017

SKS (CO)
NR 24/08/2017



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