

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.13001 of 2017

K.Kuppusamy

... Petitioner

Versus

The Inspector of Police,
Harur Police Station,
Dharmapuri District.

... Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent dated 11.05.2017 in Na.Ka.No.15/KA AA 2017/ to quash the same and consequently direct to respondent to grant permission to the petitioner to conduct the dance programme which is scheduled to be held on 26.05.2017 at near Kalamman Temple, situated at Gopinathampatti Village, Pappireddipatti Taluk, Dharmapuri District.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.S.Diwakar,
Special Government Pleader

O R D E R

Seeking permission to conduct cultural programme on 26.05.2017 at near Kalamman Temple, situated at Gopinathampatti Village, Pappireddipatti Taluk, Dharmapuri District, the petitioner made a representation on 10.05.2015 to the respondent. However, without considering the same, the respondent has passed the impugned order on 11.05.2017. Aggrieved by the same, 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 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 on 26.05.2017 at near Kalamman Temple, situated at Gopinathampatti Village, Pappireddipatti Taluk, Dharmapuri District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at near Kalamman Temple, situated at Gopinathampatti Village, Pappireddipatti Taluk, Dharmapuri District, to be held on 26.05.2017 between 06.00 p.m and 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 respondent police 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 respondent is directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

vsm/vsi2

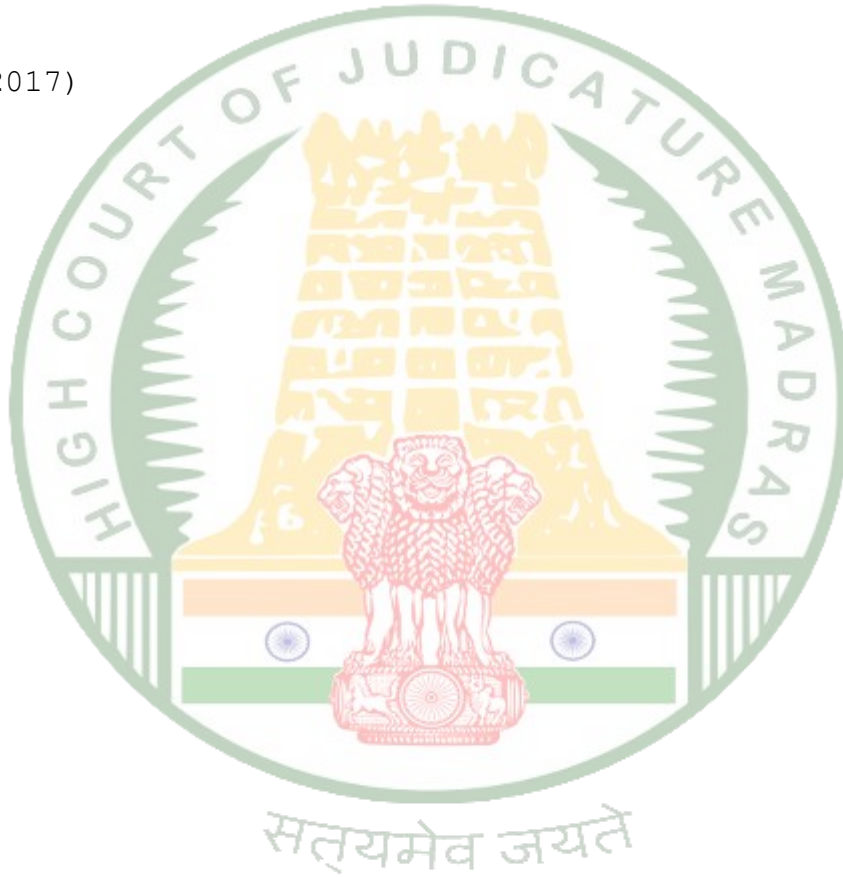
To

The Inspector of Police,
Harur Police Station,
Dharmapuri District.

+1cc to Mr.Prabakaran, Advocate, S.R.No.37940
+1cc to the Government Pleader, S.R.No.37810

W.P.No.13001 of 2017

MG(CO)
CA(25/05/2017)



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