

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.22712 of 2017

Ernavoor Mahalakshmi Nagar Kudiyirupour
Nala Sangam,
Ernavoor, Chennai - 600 057. .. Petitioner

Vs

rep by its President T.S. Moorthy
The Inspector of Police,
Ernavoor Police Station (L&O)
Chennai - 600 057. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to grant permission to conduct cultural programme in the evening on 26.08.2017 as part of Sri Selva Vinayagar Temple festival at Ernavoor, Chennai - 600 057 by considering petitioner's representation dated 19.08.2017.

For Petitioner : Mr. S.V.D. Rajendra Prasad
For Respondent : Mr. D. Vairamoorthy
Special Government Pleader

ORDER

Seeking permission to conduct cultural programme in the event of Sri Selva Vinayagar Temple festival at Ernavoor, Chennai - 600 057, the petitioner made a representation dated 19.08.2017 to the respondent. As the same has not been considered, the present Criminal Original petition has been filed.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. Learned Additional Public Prosecutor, 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 criminal original petition is allowed and the petitioner is permitted to conduct cultural programme in the event of Sri Selva Vinayagar Temple festival ar Ernavoor, Chennai - 600 057, however, with the following conditions:-

(a) The cultural programme in connection with in the event of Sri Selva Vinayagar Temple festival ar Ernavoor, Chennai - 600 057, shall be conducted on 26.08.2017 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.

-s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

nl/mrp

To

1. The Inspector of Police,
Ernavoor Police Station (L&O)
Chennai - 600 057.
2. The Public Prosecutor, High Court, Madras.
+1 CC to Ms.S.V.D. Rajendra Prasad, sr 60893.

W.P.No. 22712 of 2017

SP(24/08/2017)