

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2017

CORAM

THE HONOURABLE Dr.JUSTICE S.VIMALA

W.P.No.13267 of 2017

P.K.Neelavarnan

... Petitioner

Vs.

1.The Superintendent of Police,
Superintendent Office,
Vellore.

2.The Deputy Superintendent of Police,
Superintendent Office,
Katpadi, Vellore District.

3.The Sub-Inspector of Police,
Thiruvallur Police Station,
Katpadi Taluk,
Vellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue Writ, Order or direction specifically Writ in the nature of Writ of Certiorari calling for the records of the 3rd Respondent in Na.Ka.No.345/A3-PS/2017, dated 16.05.2017 and quash the same and consequently directing the 3rd Respondent to give permission to conduct a festival programs schedule in Arulmighu Sri Thirowpathiamman Sametha Dharmaraja Thirukovil "AGNI VASANTHA VIZHA" at Katpadi Taluk, Vellore District schedule to be held on 28.05.2017 in yearly festival in our village.

For Petitioner : Mr.K.Balaji

For Respondents : Mr.K.Balamurugan
Government Advocate

O R D E R

This writ petition has been filed seeking a Writ of Certiorarified Mandamus calling for the records of the third respondent in Na.Ka.No.345/A3-PS/2017, dated 16.05.2017 and quash the same and to consequently direct the third respondent to give permission to conduct festival program in Arulmighu Sri Thirowpathiamman Sametha Dharmaraja Thirukovil "AGNI VASANTHA VIZHA" at Katpadi Taluk, Vellore District schedule to be held on 28.05.2017.

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

3.The learned counsel appearing for the petitioner would submit that he gave representation to the respondent seeking permission to conduct the program and the same was rejected by the third respondent on dated 16.05.2017 and hence, the petitioner is constrained to file this writ petition.

4.Learned Government Advocate, on instructions, would submit that there is likelihood of law and order problem.

5.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 impugned order dated 16.05.2017 is set aside. The petitioner is permitted to conduct cultural programme on 28.05.2017 in Arulmighu Sri Thirowpathiamman Sametha Dharmaraja Thirukovil "AGNI VASANTHA VIZHA" at Katpadi Taluk, Vellore District, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival in Arulmighu Sri Thirowpathiamman Sametha Dharmaraja Thirukovil "AGNI VASANTHA VIZHA" at Katpadi Taluk, Vellore District, to be held on 28.05.2017 between 06.00p.m. to 10.30 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogue 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 concerned police officer 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.

Further, the respondents are directed to issue necessary permission, incorporating the above conditions. No costs.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

kv/pri/rts

To

1.The Superintendent of Police,
Superintendent Office,
Vellore.

2.The Deputy Superintendent of Police,
Superintendent Office,
Katpadi, Vellore District.

3.The Sub-Inspector of Police,
Thiruvalam Police Station,
Katpadi Taluk,
Vellore District.

+1cc to Mr.Balaji, Advocate Sr.38025

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