

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30 .08.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.23276 of 2017

M.Sivakumar

.. Petitioner

Vs

State rep. by
The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the respondent to give Police Protection and permission to conduct a cultural program (Adal Padal) in Vinayaga Sadhurthi Festival in Seerappalli Village, Rasipuram Taluk, Namakkal District to be held on 03/09/2017 on basis of the petitioner's representation dated 24.08.2017.

For Petitioner : Mr.P.Vimalraj
For Respondents : Mr.D.Vairamoorthy,
Special Government Pleader

O R D E R

Seeking permission to conduct cultural programme in the event of Vinayagar Sadhurthi Festival at Seerappalli Village, Rasipuram Taluk, Namakkal District, the petitioner made a representation dated 24.08.2017 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 Sadhurthi Festival at Seerappalli Village, Rasipuram Taluk, Namakkal District, however, with the following conditions:-

(a) The cultural programme in connection with in the event of Vinayagar Sadhurthi Festival at Seerappalli Village, Rasipuram Taluk, Namakkal District, shall be conducted on 03.09.2017 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.

No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Namagiripettai Police Station,
Namakkal

2.The Public Prosecutor,
High Court, Madras.

+1 cc to the Government Pleader sr 62808

+1 cc to M/s.P.Vimal Raj Advocate sr 63330 dt 01/09/2017

WP.No.23276 of 2017

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