

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

WP.Nos.25124 & 25125 of 2017

A.Dharmalingam .. Petitioner
(in WP.No.25124 of 2017)

N.Govindaraj ... Petitioner
(in WP.No.25125 of 2017)

Vs.

The Inspector of Police
Modakurichi Police Station
Erode - District. .. Respondent
(in WP.Nos.25124 & 25125 of 2017)

PRAYER:

Writ Petition No.25124 of 2017 filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent herein to consider the petitioner representation dated 12.09.2017 and thereby accord permission and protection for the functions and to conduct "Aadal-Padal Cultural Programs" scheduled to be held on 28.11.2017 in the village festival of the village temple namely Sri Arulmiku Sri Mariamman Temple in the Tamil month of Karthigai, in Anna Street, Natha Madu, Modakurichi - 638 104, Erode District.

Writ Petition No.25125 of 2017 filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent herein to consider the petitioner representation dated 12.09.2017 and thereby accord permission and protection for the functions and to conduct "Aadal-Padal Cultural Programs" scheduled to be held on 30.11.2017 in the village festival of the village temple namely Sri Arulmiku Sri Mariamman Temple in the Tamil month of Karthigai, in Anna Street, Natha Madu, Modakurichi - 638 104, Erode District.

For Petitioner : Mr.K.Nagendra Prasad
(in WP.Nos.25124 & 25125 of 2017)
For Respondent : Mr.D.Vairamoorthy
Special Government Pleader
(in WP.Nos.25124 & 25125 of 2017)

COMMON ORDER

Seeking permission to conduct cultural programme scheduled to be held on 28.11.2017 & 30.11.2017 respectively, in the event of Sri Arulmiku Sri Mariamman Temple in the Tamil month of Karthigai, in Anna Street, Natha Madu, Modakurichi - 638 104, Erode District, the petitioners made representations dated 12.09.2017 & 13.09.2017 respectively, to the respondents. As the same has not been considered, the present Writ Petitions have been filed.

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

3. Learned Government Advocate, 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 Sri Arulmiku Sri Mariamman Temple in the Tamil month of Karthigai, in Anna Street, Natha Madu, Modakurichi - 638 104, Erode District, however, with the following conditions:-

(a) The cultural programme in connection with in the event of Sri Arulmiku Sri Mariamman Temple in the Tamil month of Karthigai, in Anna Street, Natha Madu, Modakurichi-638 104, Erode District, shall be conducted on 28.11.2017 & 30.11.2017 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;

(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

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To

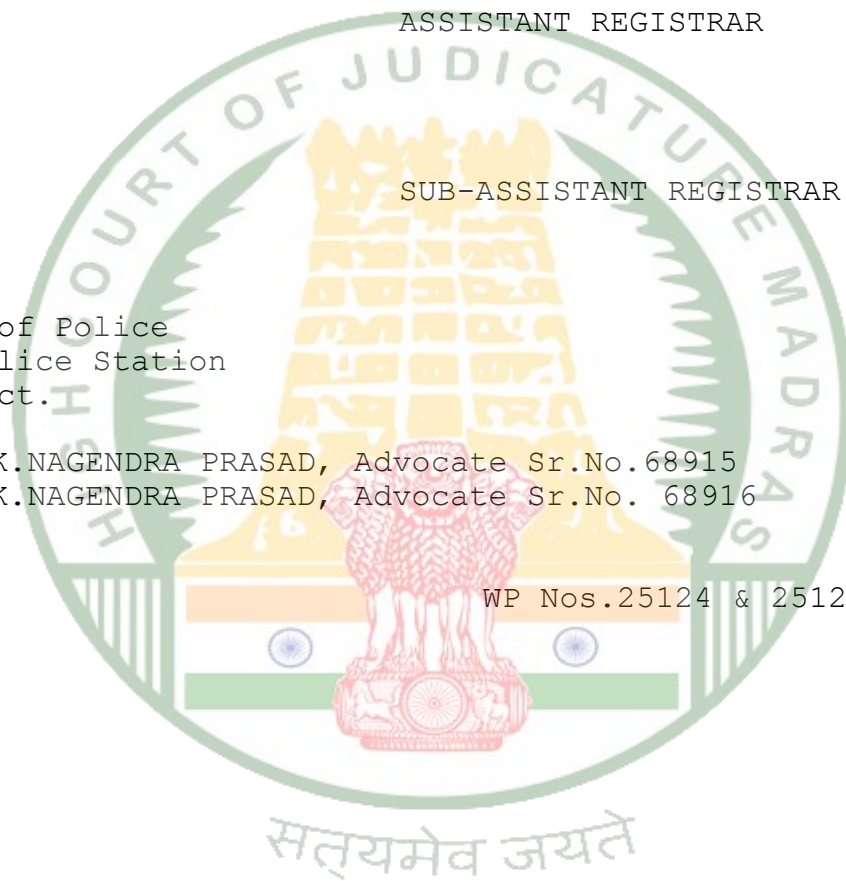
The Inspector of Police
Modakurichi Police Station
Erode - District.

+1 CC to Mr.K.NAGENDRA PRASAD, Advocate Sr.No.68915

+1 CC to Mr.K.NAGENDRA PRASAD, Advocate Sr.No. 68916

WP Nos.25124 & 25125 of 2017

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