

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.26776 of 2017

K.David

.. Petitioner

Vs

The Sub Inspector of Police,
Bhavani Police Station,
Erode District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to grant permission to perform the program of 'Adal Padal' on 21.10.2017 night at about 8.00 p.m to 12.00 a.m., at Arulmigu Kambathaiyan Thirukovil, situated at Ram Nagar, Mayilambadi Village, Bhavani Taluk, Erode District and to provide adequate police protection based on the representation dated 05.10.2017 and 10.10.2017.

For Petitioner : Ms.S.Barathi

For Respondent : Mr. S.Babu,
Government Advocate.

O R D E R

Seeking permission to conduct cultural programme on 21.10.2017 at Arulmigu Kambathaiyan Thirukovil, situated at Ram Nagar, Mayilambadi Village, Bhavani Taluk, Erode District, the petitioner has made representations dated 05.10.2017 and 10.10.2017 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 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 on 21.10.2017 at Arulmigu Kambathaiyan Thirukovil, situated at Ram Nagar, Mayilambadi

Village, Bhavani Taluk, Erode District, however, with the following conditions:-

(a) The cultural programme in connection with at Arulmigu Kambathaiyan Thirukovil, situated at Ram Nagar, Mayilambadi Village, Bhavani Taluk, Erode District, shall be conducted on 21.10.2017 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.

5. With the above directions, the Writ Petition is allowed. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Sub Inspector of Police,
Bhavani Police Station,
Erode District.

2. The Government Pleader,
High Court, Madras.

+lcc to Thiru C.Anbu, Advocate SR.No.73845, dt:13.10.17

+lcc to Government Pleader SR.No.74164 dt.20.10.17

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SDR 28.10.2017



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