

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.11654 of 2018
and
W.M.P.No.13642 of 2018

R.Chandrasekar ... Petitioner

Vs.

The Inspector of Police
Mohanur Police Station,
Mohanur,
Namakkal District

... Respondent

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 30.04.2018 passed by the Respondent and quash the same; consequentially directing the Respondent to grant permission to conduct Aadal Paadal cultural programme on 21.05.2018 from 7 p.m onwards in the ground near Mariamman Temple at N.Pudupatti village in Namakkal Taluk and District.

For Petitioner : Mr.R.Neelakandan
for M/s.P.Rajavel

For Respondent : Mr.A.N.Thambidurai

O R D E R

The relief sought for in this writ petition is to call for the records pertaining to the impugned order dated 30.04.2018 passed by the Respondent and quash the same and to direct the Respondent to grant permission to conduct Aadal Paadal cultural programme on 21.05.2018 from 7 p.m onwards in the ground near Mariamman Temple at N.Pudupatti village in Namakkal Taluk and District.

2. The learned counsel appearing for the petitioner submitted that the petitioner is a resident of N.Pudupatti village in Namakkal Taluk and District and also claims to be the

Organizer of Festival Committee. Since the committee has been conducting the dance and cultural programmes as a part of temple festival every year in a peaceful manner without any untoward incident in the past, he has submitted a representation to the respondent on 30.04.2018 seeking permission to conduct the cultural programme on 21.05.2018 and even though, the representation was submitted by the writ petitioner to conduct the cultural programme, the respondent had passed an impugned order dated 30.04.2018. Challenging the same, the writ petitioner is constrained to moved this writ petition.

3. The learned counsel appearing on behalf of the respondent, on instructions, would submit that the permission sought for by the petitioner may be granted with appropriate stringent conditions for maintaining law and order and also to avoid any untoward incident during the performance of such programme.

4. In view of the submission made by the learned counsel for the respondent, this writ petition is disposed of with the following directions:-

(a) The dance and cultural programmes in connection with the Mariamman Temple Festival scheduled to be held on 21.05.2018 situated in the ground near Mariamman Temple at N.Pudupatti Village in Namakkal Taluk and District from 7.p.m to 10.30.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 as it may spoil the minds of students and the youths.

(d) No dance or songs, touching upon any political party or religion, community or caste be played.

(e) No flex boards in support of any political party or religious 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.

(h) Similarly, the Police is empowered to stop the

cultural programme, if it exceeds beyond the permitted time.

(i) The participants of the programme shall not intake any kind of toxic substance or liquor during the programme.

(j) If there is any untoward incident taking place, the village people and the organizers of the programme be made responsible for the same; and

(k) In the event of causing any damages to the public properties or to the properties belong to the temple or people of locality during the conduct of such festival, the festival committee is fully responsible to pay compensation and such a compensation to be assessed and fixed by the local Inspector of Police with the Assistance of Revenue Officials and accordingly, the said compensation to be recovered in accordance with law.

(j) The Festival Committee should ensure that no nuisance or otherwise to be caused during the conduct of cultural programme. If any such nuisance has been committed, the Festival Committee is fully responsible and the Inspector of Police is at liberty to initiate appropriate action under the penal provisions for committing such nuisance.

(k) The order of rejection passed by the respondent in proceedings dated 30.04.2018 is set aside and the petitioner is directed to submit a fresh representation with an undertaking that they will not indulge in any illegal activities or create nuisance. In the event of submitting such representation, the respondents are directed to consider the same and pass orders on merits and in accordance with law before the date of festival.

However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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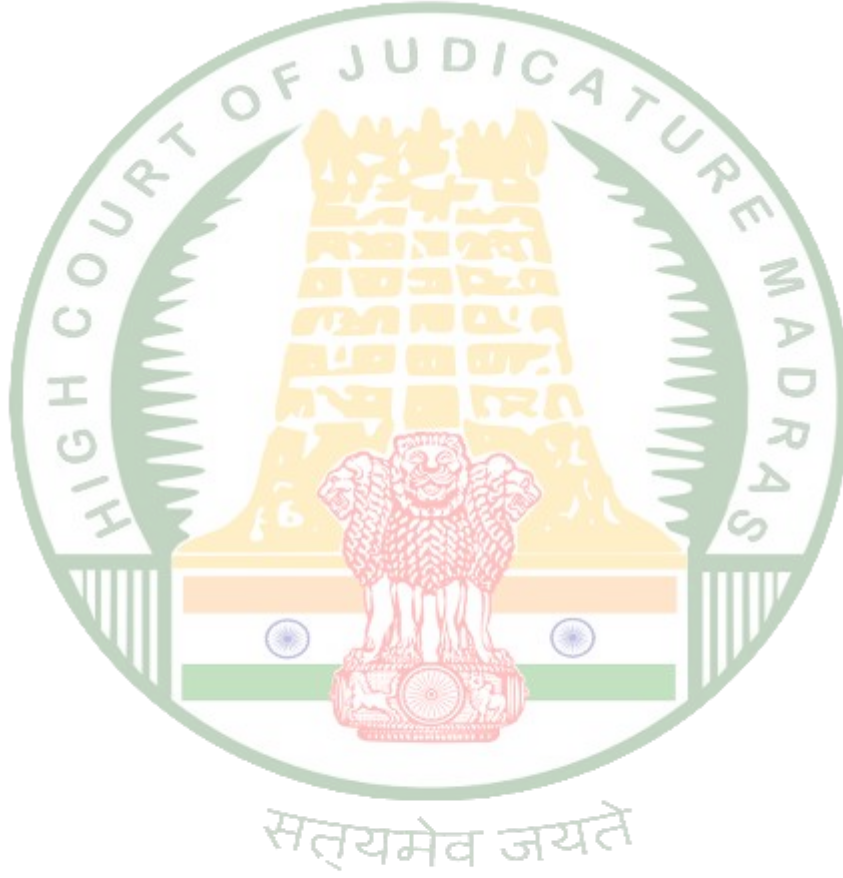
To

The Inspector of Police
Mohanur Police Station,
Mohanur, Namakkal District

+1cc to M/s.P.Rajavel, Advocate, S.R.No.33394

W.P.No.11654 of 2018

MR (CO)
CS/10/05/18



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