

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.05.2018

C O R A M

THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN

WP.No.12461 of 2018

R.Sampath

...Petitioner

Vs.

1.The Deputy Superintendent of Police,
Salem District.

2.The Inspector of Police,
Kannankurichi Police Station,
Salem Taluk and District

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to give permission to conduct the cultural and dance programme for the festival of Erikadu Sri Ayyanarappan Temple at Mottangurichi, Kannankurichi, Salem on 16.05.2018 from 7 pm to 10 pm.

For Petitioner : M/s.M.Vijayamehanath

For Respondents : Mr.D.Raja,

Additional Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to give permission to conduct the cultural and dance programme for the festival of Erikadu Sri Ayyanarappan Temple at Mottangurichi, Kannankurichi, Salem on 16.05.2018 from 7 pm to 10 pm.

2. The learned counsel appearing for the petitioner submitted that the petitioner is a resident of Mottangurichi, Kannankurichi post 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 2nd respondent on 11.05.2018 seeking permission to conduct the cultural programme on 16.05.2018. As the said representation has not been considered by the 2nd respondent so far, the petitioner is before this Court.

3. The learned Additional Government Pleader appearing for 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 Additional Government Pleader for the respondent, this writ petition is disposed of with the following directions:-

(a) The dance and cultural programmes in connection with the Erikadu Sri Ayyanarappan Temple festival to be held on 16.05.2018 from 7 pm to 10 pm at Mottangurichi, Kannankurichi, Salem.

(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 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.

(l) 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.

(m) In the light of the above observations, the 2nd respondent is directed to consider the representation submitted by the petitioner on 11.05.2018 and pass orders on merits and in accordance with law before the date of festival.

(n) If the Executive Magistrate deems if necessary he may also secure a bond from the petitioner under Section 107 of Criminal Procedure Code to maintain peace in the area.

However, there is no order as to costs.

Sd/-
Assistant Registrar(Rules)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Deputy Superintendent of Police,
Salem District.

2.The Inspector of Police,
Kannankurichi Police Station,
Salem Taluk and District.

3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr. M. Vijayamehanath, Advocate Sr.33659

+ 1 cc to Mr.Government pleader Sr.33823

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