

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.18858 of 2018

R.Pragalathan

.. Petitioner

Vs.

The Inspector of Police,

Devanampattinam Police Station,

Devanampattinam, Cuddalore District. .. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to give permission to conduct cultural programme scheduled to be held on 27.07.2018 at Thalankuda Arulmigu Sree Mariamman Temple, Cuddalore Taluk & District from 06.00 to 11.00 pm considering the petitioner's representation dated 18.07.2018.

For Petitioner : Mr.A.Sathish Kumar

For Respondent : Mr.M.Jothikumar,

Additional Government Pleader

O R D E R

The petitioner seeks a direction to the respondent to give permission to the petitioner to conduct cultural programme scheduled to be held on 27.07.2018 at Thalankuda Arulmigu Sree Mariamman Temple, Cuddalore Taluk & District from 06.00 to 11.00 pm considering the petitioner's representation dated 18.07.2018.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the Secretary of the Festival Committee. Since the villagers have been conducting the cultural programme 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 18.07.2018 seeking permission to conduct the cultural programme on 27.07.2018. As the said representation has not been considered by the respondent so far, the petitioner is before this Court.

3.The learned Additional Government Pleader appearing for the respondent, on instructions, submitted that since a murder has taken place in the month of May, 2018 in the neighbouring village, granting permission to hold cultural programme might cause law and order problem.

4.This Court is not inclined to accept the said contention of the learned Additional Government Pleader for the reason that when the said murder has taken place in some other village and none of the villagers in the present village were cited as accused, the respondent cannot prohibit the villagers from holding any cultural programme in the village where no untoward incident has taken place.

5.The learned Additional Government Pleader 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.

6.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 cultural programme (Adal Padal) in connection with the Thalankuda Arulmigu Sree Mariamman Temple, Cuddalore Taluk & District on 27.07.2018 between 07.00 p.m., and 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 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) The respondent is directed to issue necessary permission incorporating the above conditions.

No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Devanampattinam Police Station,
Devanampattinam, Cuddalore District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.SATHISHKUMAR, Advocate, S.R.No. 49545

W.P.No.18858 of 2018

NM(CO)
TR(24/07/2018)

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