

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM:

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.33303 & 33306 of 2018

S.Gowrisankar ... Petitioner in W.P.No.33303 of 2018

N.Maheskumar ...Petitioner in W.P.No.33306 of 2018

vs

The Inspector of Police,
Kodumudi Police Station,
Erode District.

...Respondent in
both W.Ps.

Prayer in W.P.No.33303 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for record of the respondent in relation to proceedings issued in Na.Ka.No.06/Ko/Ka.Ni/2018 dated 12.10.2018 (wrongly mentioned) and quash the same so far as the petitioner is concerned and issued direction to the respondent to grant permission conducting the cultural Dance Program in the Mariamman Temple at 27.12.2018 (Thursday) as per the petitioner representation.

Prayer in W.P.No.33306 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for record of the respondent in relation to proceedings issued in Na.Ka.No.07/Ko/Ka.Ni/2018 dated 12.10.2018 (wrongly mentioned) and quash the same so far as the petitioner is concerned and issued direction to the respondent to grant permission conducting the cultural Dance Program in the Bhagavathi Amman Temple at 27.12.2018 (Thursday) as per the petitioner representation.

For Petitioners : Mr.C.Neethimozhi
in both W.Ps.

For Respondent : Mr.E.Balamurugan
in both W.Ps. Special Government Pleader

COMMON ORDER

By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

2. The petitioners have come up with these Writ Petitions to call for the records of the respondent in relation to proceedings issued in Na.Ka.No.06/Ko/Ka.Ni/2018 and Na.Ka.No.07/Ko/Ka.Ni/2018 dated 12.10.2018 (wrongly mentioned) and quash the same so far as the petitioners are concerned and to issue direction to the respondent to grant permission to conduct the cultural Dance Program in the Mariamman Temple & Bhagavathi Amman Temple on 27.12.2018 as per the petitioners' representation.

3. Heard Mr.C.Neethimozhi, learned counsel appearing for the petitioners and Mr.E.Balamurugan, learned Special Government Pleader appearing for the respondent.

4. It appears that the petitioners had sought for permission to conduct cultural program for the temple festival. When they approached the respondent for seeking permission to conduct the cultural Dance Program, the same was rejected by the respondent stating that there will be an law and order problem; the usage of loud speakers and phone speakers would disturb the students, who are preparing for the terminal examinations and the youngsters may come there after consuming alcohol, which would result in motor accidents, group clash etc.; any music or songs affecting communal harmony would also result in law and order problem etc.

5. The respondent has not adverted to the circular memorandum issued by the Director General of Police in R.C.No.159539/Crime-4(3)/2018, wherein certain conditions have been prescribed before giving permission to any such Aadal Padal Program. The respondent is hereby directed to apply the said conditions and re-consider the request of the petitioners, if the petitioners are willing to abide by the conditions imposed and furnish an undertaking, as required under the said memorandum. If any violation is noticed, it is open to the respondent to take stringent action and stop the program.

The impugned order is set aside and the matter is remitted back to the respondent to consider the same in the light of the circular memorandum and in the light of judgment passed by this Court and pass orders on or before 20.12.2018.

6. With the above directions, the Writ Petitions are disposed of. No costs.

rsi

Sd/-
Assistant Registrar

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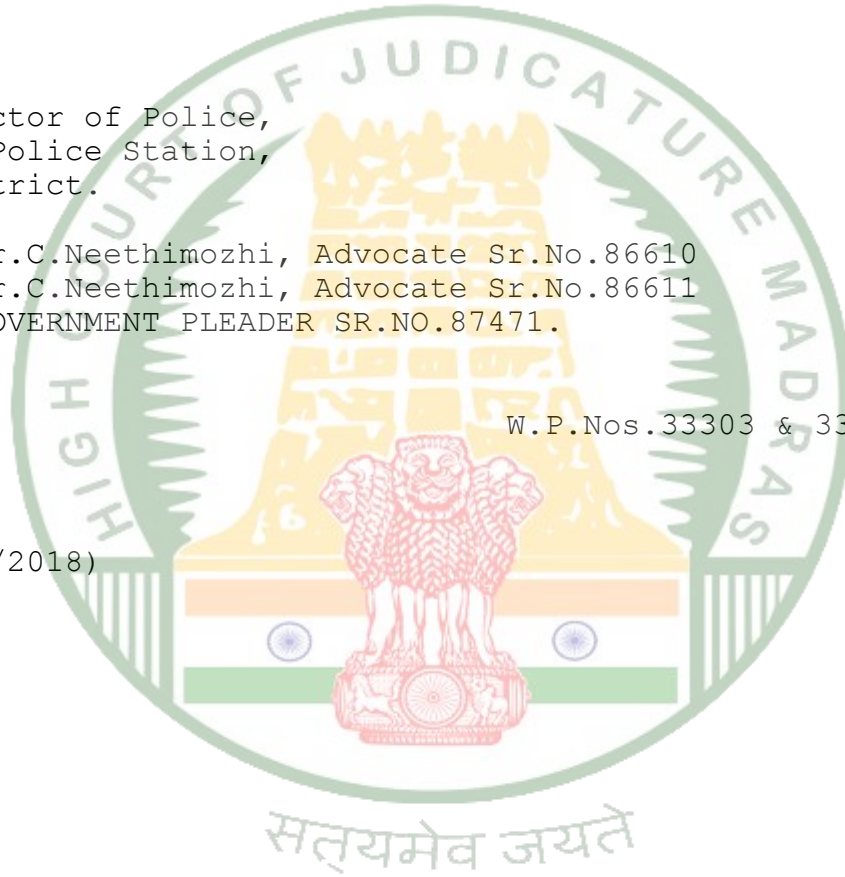
Sub Assistant Registrar

To
The Inspector of Police,
Kodumudi Police Station,
Erode District.

+1cc To Mr.C.Neethimozhi, Advocate Sr.No.86610
+1cc To Mr.C.Neethimozhi, Advocate Sr.No.86611
+1CC TO GOVERNMENT PLEADER SR.NO.87471.

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KAK(17/12/2018)



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