

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2018

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.34635 of 2018

K.Arumugam

.. Petitioner

Vs.

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

.. Respondent

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the proceedings of the respondent in Na.Ka.No.37/Mike/F2PS/18, dated 18.12.2018 and quash the same and consequently, direct the respondent to permit and provide protection in conducting music and dance program, following the temple festival namely "Dhugachi Arulmigu Chellakumarasami Kuppusami Pongal Thiruvizha" which is scheduled to be held in "Arulmigu Chella Kumara Sami Kuppianna Sami Thirukovil, in 60 Velampalayam Village, Erode District on 30.12.2018 between 7.00 p.m to 10.00 p.m.

For Petitioner: Mr.V.Veluchamy

For Respondent: Mr.T.Shunmugarajeswaran
Government Advocate

सत्यमेव जयते
O R D E R

The present writ petition is filed to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the proceedings of the respondent in Na.Ka.No.37/Mike/F2PS/18 dated 18.12.2018 and quash the same and consequently direct the respondent to permit and provide protection in conducting music and dance program, following the temple festival namely "Dhugachi Arulmigu Chellakumarasami Kuppusami Pongal Thiruvizha" which is scheduled to be held in "Arulmigu Chella Kumara Sami Kuppianna Sami Thirukovil, in Velampalayam Village, Erode District on 30.12.2018 between 7.00 p.m to 10.00 p.m.

2. According to the petitioner, the petitioner is the head of the organizing committee for conducting village functions and festivals and that they usually conduct music and dance program as a mark of their celebration and they have planned to conduct music and dance program in the above said event on 30.12.2018 from 7.00 pm to 10.00 pm. Hence on 18.12.2018, they gave an application to the respondent seeking permission as well as to provide protection for conducting the music and dance program. As the same has not been considered, the present Writ Petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

4. Learned Government Advocate appearing for the respondent, on instructions, would submit that there is likelihood of arising law and order problem.

5. 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 impugned order dated 18.12.2018 is hereby quashed. The respondent is directed to give necessary police protection for the above said event scheduled to be held on 30.12.2018 and the petitioner is permitted to conduct cultural programme in the event of "Arulmigu Chella Kumara Sami Kuppianna Sami Thirukovil, Velampalayam Village, Erode District, however, with the following conditions:-

(a) The cultural programme in connection with the event of "Arulmigu Chella Kumara Sami Kuppianna Sami Thirukovil, Velampalayam Village, Erode District, shall be conducted on 30.12.2018 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.

There shall be no order as to costs.

Sd/-

Assistant Registrar(VO)

//True Copy//

Sub Assistant Registrar

asi/msr

To

1. The Inspector of Police,
Arachalur Police Station,
Arachalur, Erode District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Veluchamy, Advocate Sr.90073

srg 28/12/2018