

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.12.2018

CORAM

THE HON'BLE Mr.JUSTICE S.VAIDYANATHAN

W.P.No.34658 of 2018

M.T.Muthukumar

... Petitioner

Vs

The Inspector of Police,
Erode Taluk Police Station,
Erode - 638 011.

... Respondent

Writ Petition filed under Article 226 of The Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call upon the entire records in pursuant to the impugned order issued by the respondent dated 20.12.2018 and quash the same as it is violation of the circular issued by the Director General of Police in Rc.No.159539/Crime.4(3)/2018, dated 31.10.2018 and consequently direct the respondent to give permission to the petitioner to conduct a Cultural Program (Adalum Padalum) scheduled to be held on 02.01.2019 at "Shri Mariamman Temple" at Moolapalayam, Erode - 638 002.

For Petitioner : Mr.M.Manimaran

For Respondent : Mr.D.Suryanayanan
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the order passed by the respondent rejecting the petitioner's request for conducting a festival on 02.01.2019 at Shri Mariamman Temple, Moolapalayam, Erode - 638 002.

2.According to the petitioner, the impugned order has been passed by the respondent on the ground that if permission is granted for conducting cultural programme, it will lead to law and order problem and also cause insecurity to the people. Now, challenging the said order, the present writ petition has been filed.

3.The learned counsel appearing for the petitioner submitted that in a similar circumstance, this Court passed an order permitting to conduct cultural program on various conditions and

prays the similar order may be passed.

4. Considering the above circumstances, the respondent is directed to permit the petitioner to conduct the cultural programme in connection with the Temple Festival of Shri Mariamman Temple, Moolapalayam, Erode - 638 002, scheduled to be held on 02.01.2019, with the following conditions:-

- (a) The cultural programme in connection with the Temple Festival of Shri Mariamman Temple, Moolapalayam, Erode - 638 002, shall be conducted on 02.01.2019 between 06.00 p.m. and 10.00 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, as they will spoil the minds of students and youths.
- (d) No cone mikes or any type of speakers shall be used in the programme.
- (e) No dance or songs, touching upon any political party or religion or community or caste shall be played.
- (f) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.
- (g) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on case.
- (h) 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
- (i) Similarly, the police is directed to stop the programme, if it is conducted beyond the permitted time limit.
- (j) The territorial/jurisdictional Police Officer is directed to videograph the entire cultural programme at the cost of the petitioner and he shall take immediate legal action in accordance with law, if he finds any violation upon perusal of the said video C.D.
- (k) At the time of submitting his application, the petitioner is bound to pay the required amount to the concerned authority upon proper receipt for the purpose of taking videography of the programme.

5. Accordingly, the writ petition stands disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

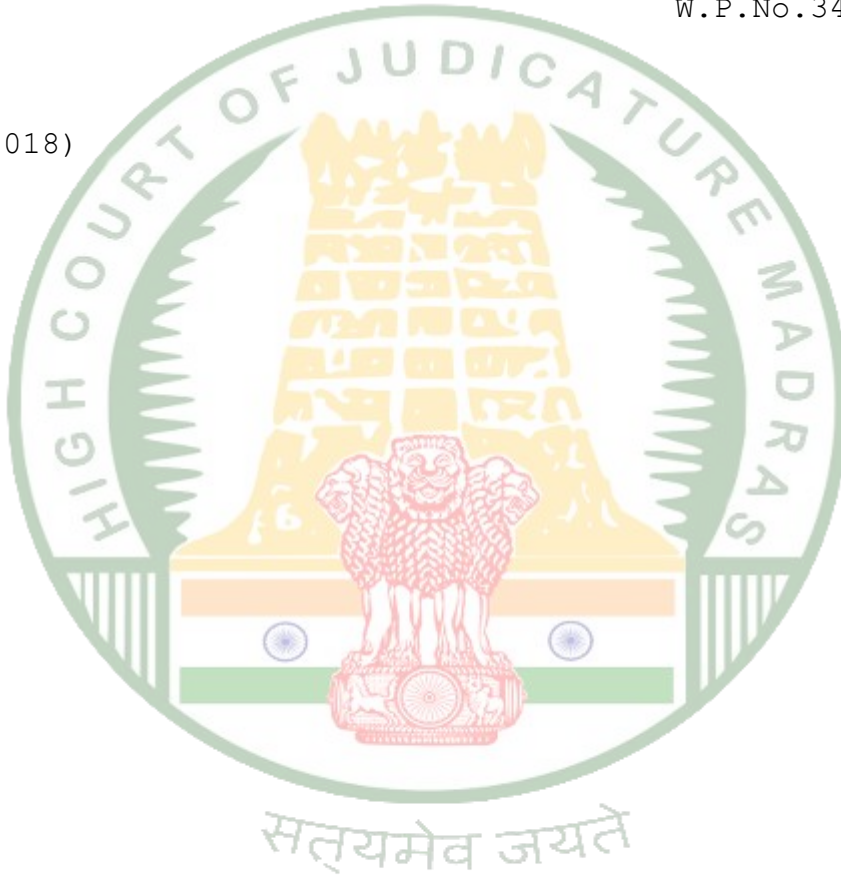
To

The Inspector of Police,
Erode Taluk Police Station,
Erode - 638 011.

+1 CC to Mr.M.Manimaran, advocate sr 90091.

W.P.No.34658 of 2018

SP(31/12/2018)



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