

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1298 of 2019 and WMP No.1457 of 2019

Arumugam

... Petitioner

-Vs-

The State rep by
The Sub-Inspector of Police,
Kolathur Police Station,
Salem District

... Respondent

Prayer: Writ Petition is filed under Section 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records sequel to the impugned order passed by the respondent order dated 10.01.2019 and to quash the same and consequently direct the respondent to grant permission to hold the cultural events scheduled to be held on 17.01.2019 at about 7.00 p.m pursuant to the petitioner's representation dated 10.01.2019.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This writ petition has been filed challenging the order of rejection passed by the respondent by not permitting the petitioner to conduct the cultural programme, which was planned to be held on 17.01.2019.

2. The petitioner is the Dharmakartha in Sree Sakthi Kodalathu Periya Mariyamman Temple. Every year during the Pongal, cultural programmes used to be conducted, in which children will be asked to perform cultural activities and at the end of the programme, prizes will be distributed to the Children. The petitioner made a representation to the respondent police on 10.01.2019, seeking for permission and police protection to conduct the cultural programme. This was rejected by the respondent police only on the ground that it may result in a law and order problem.

3. The learned counsel for the petitioner would submit that the impugned order is illegal, since permission can never be rejected on an apprehension of a law and order problem. The learned counsel also relied upon the order of this Court in WP No.516 of 2016 dated 07.01.2016, wherein this Court has held

that permission for a cultural programme cannot be denied on a mere apprehension of a law and order problem.

4. The learned counsel for the petitioner on instructions would submit that the programme will be conducted between 6.00pm and 8.30pm on 17.01.2019. During the programme, there will only be cultural activities performed by the children and there will be a prize distribution at the end of the programme.

5. Considering the plea made by the learned counsel for the petitioner, this Court is inclined to direct the respondent to permit the petitioner to conduct the cultural programme subject to certain conditions.

6. The writ petition is disposed of with a direction to the respondent to grant permission to the petitioner to conduct the cultural programme on 17.01.2019 between 6.00pm and 8.30pm subject to the following conditions :-

(a) There should not be any kind of obscene dance or vulgar dialogue during the performance, by anyone of the participants.

(b) Double meaning songs should not be played so as to spoil the minds of students and youths.

(c) No dance or songs, touching upon any political party or religion or community or caste be played.

(d) No flex boards in support of any political party or communal leader be erected.

(e) The function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(f) 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 and

(g) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time.

(i) The respondent is directed to issue necessary permission, incorporating the above conditions. No costs. Consequently, the connected Miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rka/dh

To

1. The Sub-Inspector of Police,
Kolathur Police Station,
Salem District.

2. The Public Prosecutor,
High Court of Madras

+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No.3492

W.P.No.1298 of 2019

NRL (CO)

rrs 11/01/2019



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