

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3747 of 2019

E.Selvaraj

... Petitioner

Vs

1.The Commissioner of Police,  
Salem District.

2.The Inspector of Police,  
Steel Plant Police Station,  
Salem District-636 030.

... Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents herein to pass orders on the representation of the petitioner dated 03.02.2019, thereby the respondents to grant permission and protection for conducting cultural programme on 09.02.2019, night between 07.30 p.m to 10.30 p.m at Chittanoor, Thalavaipatty post, Sri Chinnamariyamman Kovil Tiddal, Salem West Taluk, Salem District-636302.

For Petitioner : Mr.T.Dhasarathan

For R1 & R2 : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

O R D E R

Seeking permission to conduct cultural programme in the event of Sri Chinnamariyamman Kovil Tiddal, Salem West Taluk, Salem District, the petitioner made a representation dated 03.02.2019 to the respondents. As the same has not been considered, the present Criminal Original petition has been filed.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Learned Additional Public Prosecutor, on instructions, would submit that there is likelihood of arising law and order problem.

4. 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 petitioner is permitted to conduct cultural programme in the event of Sri Chinnamariyamman Kovil Tiddal, Salem West Taluk, Salem District, however with the following conditions:-

(a) The cultural programme in connection with the event of Sri Chinnamariyamman Kovil Tiddal, Salem West Taluk, Salem District, shall be conducted on 09.02.2019 between 07.30 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 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.

5. Accordingly, this Writ Petition is disposed of.

vv2/rm

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,  
Salem District.
2. The Inspector of Police,  
Steel Plant Police Station,  
Salem District-636 030.
3. The Public Prosecutor  
High Court, Madras.

+1cc to Mr.T.Dhasarathan, Advocate, S.R.No.11173

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MPI (CO)  
KAK (08/02/2019)



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