

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.08.2019
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Writ Petition No.22476 of 2019 and
WMP.No.21876 of 2019

Ramesh

..Petitioner

Vs

1. The Deputy Superintendent of Police
O/o. Deputy Superintendent of Police
Thiruvannamalai Town
Thiruvannamalai District

2. The Inspector of Police
Town Police Station
Thiruvannamalai

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue appropriate Writs, Orders or directions and any Particular issue a Writ in the nature of WRIT OF CERTIORIFIED MANDAMUS after calling for the concerned records relating to the order No. நக.எண்.252.காவல் ஆய்வாளர், நகர கா.நி, தி.மலை. 2019 நாள் 24.07.2018 passed by the 2nd respondent and quash the same and consequently direct the respondents to adequate police protection on the basis of the petitioner's representation.

For Petitioner : Mr.M.Gnanasekar

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

O R D E R

This Writ Petition has been filed challenging the proceedings of the 2nd respondent, rejecting to grant permission and police protection to the petitioner to conduct temple festival in Thenimalai Sri Mariamman Temple on 02.08.2019.

2. The petitioner, who is the resident of the Thenimalai village has stated in his affidavit that this temple festival is being conducted every year and even this year, it was scheduled to be held on 02.08.2019. The entire schedule of the programme was submitted before the 2nd respondent and permission was sought for to conduct the festival and for granting police protection. The respondent had rejected the permission and therefore the present Writ Petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that the 2nd respondent had rejected the permission to conduct the programme, only on the ground that it will cause hindrance to the general public and there is already a prohibition order under Section 30(2) of the Police Act. The learned counsel further submitted that the ground on which the permission has been rejected is unsustainable.

4. Heard the learned Additional Public Prosecutor appearing on behalf of the respondents police.

5. Taking into consideration of the facts and circumstances of the case, this Court is of the considered view that the 2nd respondent should have granted permission for conducting the programme, by imposing reasonable conditions. But, the respondent had rejected the permission on mere apprehension by citing the prohibition order passed under Section 30(2) of the police Act, which has already been held by this Court to be regulatory in nature.

6. In the result, the order passed by the 2nd respondent on 24.07.2018 is hereby set aside and the respondent police is directed to grant permission to the petitioner to conduct the cultural programme, in connection with the Thenimalai Mariamman temple festival to be held on 02.08.2019, between 6.00pm to 10.00pm. The permission shall be granted subject to the following conditions:-

- (a) The petitioner shall pay a cost of Rs.10,000/- (Rupees Ten Thousand only) to the respondent police towards police protection.
- (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 police is directed to issue necessary permission, incorporating the above conditions.

7. With the above directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (Insp. Cell)

//True Copy//

Sub Assistant Registrar

vrn

To

1. The Deputy Superintendent of Police
O/o. Deputy Superintendent of Police
Thiruvannamalai Town
Thiruvannamalai District
2. The Inspector of Police
Town Police Station
Thiruvannamalai

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.66018

सत्यमेव जयते Writ Petition No.22476 of 2019 and
WMP.No.21876 of 2019

JP (CO)

RRS (01/08/2019)

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