

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2019

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.34314 of 2019

Pandu Kalaimani

... Petitioner

Vs.

1.The Superintendent of Police,
Tiruvannamalai District.

2.The Deputy Superintendent of Police,
Tiruvannamalai District.

3.The Inspector of Police,
Sengam Police Station,
Sengam Taluk,
Tiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the entire records which culminated in passing the order in Na.Ka.No.10/Che.Kaa.Va/2019 dated 21.11.2019, quash the same and consequently direct the respondents 1 to 3 to permit the petitioner to conduct the dance programme on 12.12.2019 at 08.00 p.m at the Muneeswaran Temple situated at Sri Muneeswaran Nagar, Anwarabath Village, Munnurmangalam, Sengam Taluk, Tiruvannamalai District.

For Petitioner :: M/s.V.Veluchamy

For Respondents :: M/s.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Writ Petition has been filed to quash the order dated 21.11.2019 in Na.Ka.No.10/Che.Kaa.Va/2019 passed by the 3rd respondent and consequently direct the 1st to 3rd respondents to permit the petitioner to conduct the dance programme on 12.12.2019 at 08.00 p.m at the Muneeswaran Temple situated at Sri Muneeswaran Nagar, Anwarabath Village, Munnurmangalam, Sengam Taluk, Tiruvannamalai District.

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

3.The 3rd respondent by the impugned order dated 21.11.2019 in Na.Ka.No.10/Che.Kaa.Va/2019 has stated that if the permission is granted to the petitioner for conducting the said programme that would create law and order problem. Enabling the said reason, he has not specifically given any other reason. Hence, the said order is passed.

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 at the Muneeswaran Temple situated at Sri Muneeswaran Nagar, Anwarabath Village, Munnurmangalam, Sengam Taluk, Tiruvannamalai District, however with the following conditions:-

(a) The cultural programme in connection with the event of the Muneeswaran Temple situated at Sri Muneeswaran Nagar, Anwarabath Village, Munnurmangalam, Sengam Taluk, Tiruvannamalai District on 12.12.2019 between 6.00 pm to 11.00 pm.

(b) The petitioner shall pay a cost of Rs.10,000/- (Rupees Ten Thousand only) to the respondent police towards police protection.

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

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

(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 caste.

(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 dance programme, if it is played beyond the permitted time limit.

(j) The 2nd respondent is directed to issue necessary permission, incorporating the above conditions.

5. With the above directions, this Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Tiruvannamalai District.
- 2.The Deputy Superintendent of Police,
Tiruvannamalai District.
- 3.The Inspector of Police,
Sengam Police Station,
Sengam Taluk,
Tiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.V.Veluchamy, Advocate Sr.No. 102892

AKM/11.12.19/3P-6C /

W.P.No.34314 of 2019

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