

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.No. 1386 of 2020

P.Raja

...Petitioner

-Vs-

The Sub Inspector of Police,
Kodumudi Police Station,
Kodumudi Taluk,
Erode District.

.... Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue Writ, order or direction specifically Writ in the nature of Writ of Certiorarified Mandamus calling for the records of the impugned order made in Na.Ka.No.09/MIKE/F1 P.S/2019 dated 06.01.2020 by the respondent, quash the same and consequently direct the respondent to give permission to conduct cultural program on the occasion of " Sri Puthu Mariyamman Temple" festival at Kodumudi on 05.02.2020.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

सत्यमेव जयते

ORDER

This Writ Petition has been filed to issue a Certiorarified Mandamus to call for the records of the impugned order made in Na.Ka.No.09/MIKE/F1 P.S/2019 dated 06.01.2020 by the respondent and quash the same and consequently, directed the respondent to give permission to conduct cultural programme on the occasion of " Sri Puthu Mariyamman Temple" festival at Kodumudi on 05.02.2020.

2. The learned counsel for the petitioner has submitted that the petitioner is the organizer of the cultural functions to be celebrated on 05.02.2020 during Kodumudi " Sri Puthu Mariyamman Temple" festival in the village namely Kodumudi. He further submitted that every year, they used to celebrate the said temple festival and during the said temple festival,

cultural programmes also will be held and this year also, they decided to conduct cultural programmes on 05.02.2020 and hence the petitioner has submitted the representation before the respondent on 06.01.2020. He further submitted that the respondent has rejected the said representation by the impugned order stating that the D.S.P., Perunthurai has issued an order under section 30(2) of Police Act. But, he has not produced any such order. He further submitted that the other reasons stated by the respondent are also not sustainable and therefore he prayed to set aside the impugned order and direct the respondent to give police protection for conducting cultural programmes on 05.02.2020 during the festival in Kodumudi " Sri Puthu Mariyamman Temple" festival.

3. The learned Additional Public Prosecutor has submitted that appropriate orders may be passed.

4. In the impugned order, the respondent has stated that the D.S.P. Perunthurai has issued a prohibitory order under section 30(2) of the Police Act. But, he has not produced the said order before this Court. Further, he has stated that if permission is granted to the petitioner for conducting cultural programmes, they would create law and order problem. But, he has not specified any incident. Hence, this Court is of the view that the said impugned order is liable to be set aside.

5. For the reasons aforesaid, the petitioner is permitted to conduct Cultural Programme in the event of Kodumudi " Sri Puthu Mariyamman Temple" festival at Kodumudi on 05.02.2020 between 06.00 PM to 11.00 PM by considering the petitioner's representation dated 06.01.2020, however with the following conditions:-

(a) The programme in connection with the event of Kodumudi " Sri Puthu Mariyamman Temple" festival at Kodumudi shall be conducted on 05.02.2020 between 06.00 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 respondent police is directed to issue necessary permission, incorporating the above conditions.

6. With the above directions, this Writ Petition is allowed.

No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

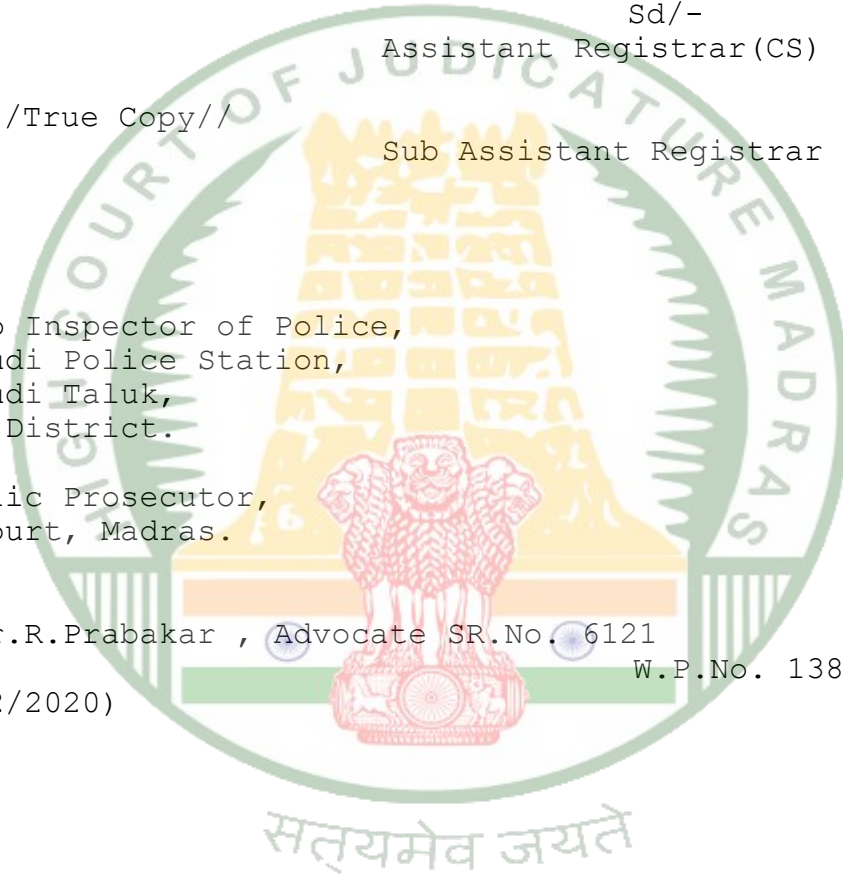
1. The Sub Inspector of Police,
Kodumudi Police Station,
Kodumudi Taluk,
Erode District.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Prabakar , Advocate SR.No. 6121

W.P.No. 1386 of 2020

A.SK(03/02/2020)



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