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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.05.2022

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.12979 of 2022

Santhosh Prabu

...Petitioner

Vs.

1. The Deputy Superintendent of Police,
Udumalpet,
Tiruppur District .

2. The State, Represented by its,
Inspector of Police,
Madathukulam Police Station,
Tiruppur District.

3. The State, Represented by its,
Sub Inspector of Police,
Komaralingam Police Station,
Komaralingam,
Tiruppur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus or any other in the nature of writ, directing the second Respondent to grant permission for conducting cultural program on 25.05.2022 at Arulmigu Kannimar Karuppursamy Temple, Mylapuram, Madathukulam Taluk, Tiruppur District by considering his representation dated 09.05.2022.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the Respondents to consider the petitioner's representation dated on 09.05.2022 and to grant permission to conduct the cultural program which is schedule to be held on 25.05.2022 in connection with the Arulmigu Kannimar Karuppursamy Temple Festival at Mylapuram, Madathukulam Taluk, Tiruppur District.



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

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3. The 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 Arulmigu Kannimar Karuppursamy Temple Festival at Mylapuram, Madathukulam Taluk, Tiruppur District, however with the following conditions:-

(a) The cultural programme in connection with the event of Arulmigu Kannimar Karuppursamy Festival at Mylapuram, Madathukulam Taluk, Tiruppur District on 25.05.2022 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 Respondents 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 second respondent is directed to issue necessary permission, incorporating the above conditions.



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5. With the above directions, this Writ Petition stands allowed.

-s/d-
Assistant Registrar

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Sub-Assistant Registrar

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To

1. The Deputy Superintendent of Police,
Udumalpet,
Tiruppur District.
2. The Inspector of Police,
Madathukulam Police Station,
Tiruppur District.
3. The Sub Inspector of Police,
Komaralingam Police Station,
Komaralingam,
Tiruppur District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Myilsamy, Advocate, S.R.No.31563

W.P.No.12979 of 2022

KN(CO)
RN(23/05/2022)