



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.05.2022

CORAM

THE HONOURABLE Mr.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13217 of 2022

Kumar

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
Indur Police Station,
Dharmapuri District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to grant permission to conduct cultural program in Arulmigu Sri Periyandavar Temple scheduled to be held on 01.06.2022 at Nadapanaalli Village, Indur Post, Nallampalli Taluk at Dharmapuri District by considering the petitioner's representation dated 20.05.2022.

For Petitioner : Mr.V.Ravi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

O R D E R

This petition has been filed to direct the respondent to grant permission to conduct cultural program in Arulmigu Sri Periyandavar Temple scheduled to be held on 01.06.2022 at Nadapanaalli Village, Indur Post, Nallampalli Taluk at Dharmapuri District by considering the petitioner's representation dated 20.05.2022.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

3.The learned Government Advocate (Criminal Side), on instructions, would submit that the representation of the petitioner has been rejected on the ground that already a communal clash arose in the nearby village and there is an apprehension of law and order problem.



4.A mere apprehension of communal clash in the nearby village 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 Sri Periyandavar Temple at Nadapanaalli Village, Indur Post, Nallampalli Taluk at Dharmapuri District, however with the following conditions:-

(a) The cultural programme in connection with the event of Arulmigu Sri Periyandavar Temple at Nadapanaalli Village, Indur Post, Nallampalli Taluk at Dharmapuri District on 01.06.2022 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 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 is directed to issue necessary permission, incorporating the above conditions.

5. With the above directions, this Writ Petition stands allowed. No Costs.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

ab/mkn



To

1.The Inspector of Police,
Indur Police Station,
Dharmapuri District.

2.The Public Prosecutor,
High Court, Madras.

W.P.No.13217 of 2022

RSI (CO)
SB(02/06/2022)