



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.13909 OF 2022

Kalaiselvan

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.

...Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent authority to give permission and police protection to conduct cultural programme (Adal Padal Nigalchi) in the event of Sri Periyakandiyamman, Sri Mayavar, Sri Murugan, Ezhukannimargal, Ponnar Sankar, Thangal, Athaipillai Aatha, Veerapagu, Periyasamy, Magamuni, Madhuraiveeran, Thekkamalaiyan and Parivara Theivangal Festival at Kuppampalayam, Vasanthapuram Post, Namakkal Taluk & District on 09.06.2022 between 6.00 PM to 11.00 PM by considering the petitioner's representation dated 26.05.2022.

For Petitioner : Mr.W.Camylen Gandhi

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

O R D E R

This petition has been filed to direct the respondent authority to give permission and police protection to conduct cultural programme (Adal Padal Nigalchi) in the event of Sri Periyakandiyamman, Sri Mayavar, Sri Murugan, Ezhukannimargal, Ponnar Sankar, Thangal, Athaipillai Aatha, Veerapagu, Periyasamy, Magamuni, Madhuraiveeran, Thekkamalaiyan and Parivara Theivangal Festival at Kuppampalayam, Vasanthapuram Post, Namakkal Taluk & District on 09.06.2022 between 6.00 PM to 11.00 PM by considering the petitioner's representation dated 26.05.2022.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. The learned Government Advocate (Crl. Side), 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 Sri Periyakandiyamman, Sri Mayavar, Sri Murugan, Ezhukannimargal, Ponnar Sankar, Thangal, Athaipillai Aatha, Veerapagu, Periyasamy, Magamuni, Madhuraiveeran, Thekkamalaiyan and Parivara Theivangal Festival at Kuppampalayam, Vasanthapuram Post, Namakkal Taluk & District however with the following conditions:-

(a) The cultural programme in connection with the event of Sri Periyakandiyamman, Sri Mayavar, Sri Murugan, Ezhukannimargal, Ponnar Sankar, Thangal, Athaipillai Aatha, Veerapagu, Periyasamy, Magamuni, Madhuraiveeran, Thekkamalaiyan and Parivara Theivangal Festival at Kuppampalayam, Vasanthapuram Post, Namakkal Taluk & District on 09.06.2022 between 6.00 pm and 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.

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Sd/-
Vacation Officer

// True Copy //

Sub Assistant Registrar

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To

1.The Inspector of Police,
Namakkal Police Station,
Namakkal District.

2.The Public Prosecutor,
High Court, Madras.

W.P.No.13909 of 2022

SSN(CO)
RVM(06/06/2022)