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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.06.2022

CORAM

THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN

W.P.No.14017 of 2022

P.Saminathan

... Petitioner

Vs.

The Inspector of Police,
Udayarpalayam Police Station,
Udayarpalayam (T),
Ariyalur District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pursuant to the impugned order passed by the respondent dated 29.05.2022 and quash the same and consequently, direct the respondents to give permission to conduct the Culture program (Aadal & Padal) at Mariyamman Kovil at T.Kudikadu, Thathanur (West), Thathanur, Ariyalur District on 09.06.2022 between 06.00 p.m., to 11.00 p.m., based on the petitioner's representation dated 29.05.2022.

For Petitioner : Mr.K.Venkat

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

O R D E R

This petition has been filed to call for records pursuant to the impugned order passed by the respondent dated 29.05.2022 and quash the same and consequently, direct the respondent to give permission to conduct the Cultural program (Aadal & Padal) at Mariyamman Kovil at T.Kudikadu, Thathanur (West), Thathanur, Ariyalur District on 09.06.2022 between 06.00 p.m., to 11.00 p.m., based on the petitioner's representation dated 29.05.2022.

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.

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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 Mariyamman Kovil at T.Kudikadu, Thathanur (West), Thathanur, Ariyalur District, however with the following conditions:-

(a) The cultural programme in connection with the event of Mariyamman Kovil at T.Kudikadu, Thathanur (West), Thathanur, Ariyalur District on 09.06.2022 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 is directed to issue necessary permission, incorporating the above conditions.



(k) The petitioner is directed to give an undertaking before the respondent police that no law and order problem would be created in the course of conducting the cultural programme.

5. With the above directions, this Writ Petition stands allowed and the impugned order passed by the respondent dated 29.05.2022 is set aside.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rgi/kkn

To

1. The Inspector of Police,
Udayarpalayam Police Station,
Udayarpalayam (T),
Ariyalur District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Venkat, Advocate, S.R.No.31995

W.P.No.14017 of 2022

RCD(CO)
CB(03/06/2022)