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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.14840 of 2022

P.Paramasivam

... Petitioner

Versus

The Inspector of Police,
Thalaivasal Police Station,
Talaivasal Taluk,
Salem District.
Pin.636 112.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other Writ, order or Direction, or direction in the nature of Mandamus, directing the respondent to grant permission to conduct cultural program (Dance and Music Program) in the Sri Mariyamman, Ponniyamman, Ayyanar, Karuppaiya Temple situated at, Kattukottay, Pananthoppu, Saarvaypathur Post, Kattukottay, Thalaivasal Taluk, Salem District, Pin.636 112 scheduled to be held on 16.06.2022 from 06.00 p.m to 11.00 p.m.

For Petitioner : Mr.N.Desinghu

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

ORDER

The Writ Petition has been filed to direct the respondent authority to give permission to conduct the cultural programme (Adal Padal Nigalchi) in the event of Sri Mariyamman, Ponniyamman, Ayyanar, Karuppaiya Temple, situated at Kattukottay, Pananthoppu, Saarvaypathur Post, Kattukottay, Thalaivasal Taluk, Salem District on 16.06.2022 from 06.00 p.m to 11.00 p.m.

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



3.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the Police do not have any reservations on the place, where the function is to be conducted. However, there is an apprehension that some law and order problem may arise during the cultural programme. He would also submit that the Director General of Police, in his proceedings in Rc.No.007301/Genl.I(1)/2019, dated 09.04.2019, has issued circular to the Commissioner of Police, Superintendent of Police and all the Station Housing Officer, directing them to follow the procedure and instruct the petitioner seeking permission to conduct cultural programmes to comply with the conditions and permission may be granted subject to the petitioner agreeing to comply with the said conditions by filing necessary undertaking before the respondent Police.

4.The respondent Police is directed to grant permission for conducting the cultural programme (ie.,) Adal Padal Dance Programme as sought by the petitioner, with the following conditions:

(a) The Aadal Paadal programme in connection with festival or any cultural programme, SHO should specify the time and the same shall not be later than 10.00 p.m;

(b) double meaning songs should not be played so as to spoil the minds of students and the youth;

(c) no songs, touching upon any political party or religion, community or caste be played;

(d) Organizers shall not erect any digital banners/play cards on either side of the arterial roads, platforms, walkways/major roads and any other roads;

(e) the function should not affect caste, religious or communal harmony and shall be conducted without any discrimination;

(f) if there is any 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;

(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of intoxicating substance or liquor during the programme;

(i) if any untoward incident takes place, the organizers of the programme be made responsible for the same;

(j) the authority concerned shall videograph the entire programme at the cost of the applicant



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and submit the CD to the S.P concerned;

(k)Organizers shall have to obtain all other required permission from the authorities concerned;

(l)Any other conditions as the authority concerned consider to impose according to the ground reality".

5.The petitioner is also directed to ensure that the conditions are strictly complied with and also to ensure that no law and order problem is created in the course of conducting the programme. If there is any rival claim, the Police is also directed to hear the other side before granting permission to the petitioner. Further, the petitioner is directed to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the respondent Police towards bundobust charges.

6.The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Thalaivasal Police Station,
Talaivasal Taluk,
Salem District.

2. The Public Prosecutor,
High Court, Madras.

W.P.No.14840 of 2022

NK(CO)

UMA(16/06/2022)