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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.NO.16328 OF 2022

P.Venkatesan

... Petitioner

Vs.

The Inspector of Police,
Gudiyatham Police Station,
Gudiyatham,
VelloreDistrict.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus, directing the respondent to give permission to conduct cultural programme (Adal Padal Nigalchi) in the event of Upparapalli Village Arulmigu Sree Gengaiyamman Temple Festival at Gudiyatham Taluk, Vellore District on 03.07.2022 between 6.00 PM to 11.00 PM by considering my representation dated 21.06.2022.

For Petitioner : Mr.C.Nandhakumar

For Respondent : Mr.N.Muthuvel
Government Advocate (Crl.Side)

O R D E R

The Writ Petition has been filed to direct the respondent to give permission to conduct cultural programme (Adal Padal Nigalchi) in the event of Upparapalli Village Arulmigu Sree Gengaiyamman Temple Festival at Gudiyatham Taluk, Vellore District on 03.07.2022 between 6.00 PM to 11.00 PM by considering the petitioner's representation dated 21.06.2022.

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

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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 Officers, 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/pla 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;

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(j) the authority concerned shall videograph the entire programme at the cost of the applicant 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. The uploaded copy can be utilised for the purpose of execution of the order.

6. The Writ Petition stands disposed of with the above directions. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

shk

To

1. The Inspector of Police,
   Gudiyatham Police Station,
   Gudiyatham,
   VelloreDistrict.

2. The Public Prosecutor,
   High Court of Madras.

W.P.No.16328 of 2022

AJB(CO)
RLP(08/07/2022)

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