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W.P.No. 31755 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 31755 of 2022

M. Thiyagarajan

... Petitioner

Vs.

1. The Superintendent of Police,
Namakkal, Namakkal District - 637 001

2. The Inspector of Police,
Rasipuram Police Station,
Rasipuram Taluk,
Namakkal District - 637 408

... Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the first and second respondents to grant permission to conduct the cultural programme of Adal Padal on 14.12.2022 at 6.00 p.m. to 11.00 p.m., at "Sri Mahamariamman Temple Festival" Sanarpudhur Village, Pudupalayam Post, Rasipuram Taluk, Namakkal District by consider and pass orders on the representation dated 18.11.2022 made by the petitioner within the time frame as may be fixed by this Court.



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For Petitioner : Mr. S. Mayilnathan
For Respondents : Mr. S.Santhosh,
Govt. Advocate (crl. side)

ORDER

Seeking permission to conduct cultural programme in the event of Sri Mahamariamman Temple Festival, Sanarpudhur Village , the petitioner made a representation dated 18.11.2022 to the respondents. As the same has not been considered, the present Criminal Original petition has been filed.

2. By consent, the writ petition itself is taken up for final disposal.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl. side) appearing for the respondents.

4. Learned Government Advocate (crl. side), on instructions, would submit that there is likelihood of arising law and order problem.

5. 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



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of the matter, the petitioner is permitted to conduct cultural programme in the event of Sri Mahamariamman Temple Festival, Sanarpudhur Village, however with the following conditions:-

(a)The cultural programme in connection with the event of Sri Mahamariamman Temple Festival, Sanarpudhur Village, shall be conducted on 14.12.2022 between 06.00 p.m. and 10.00 p.m.

(b)The petitioner shall pay a sum of Rs.15,000/- (Rupees fifteen thousand only) as charges, to the second respondent Police and on receipt of the same, the second respondent Police is directed to issue receipt and proceed further.

(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



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(j) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit.

(k) The second respondent is directed to issue necessary permission, incorporating the above conditions.

6. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs. The uploaded copy can be utilised for the purpose of execution of the Order.

28.11.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

Note : Issue order copy on or before 12.12.2022

To

1. The Superintendent of Police,
Namakkal, Namakkal District - 637 001
2. The Inspector of Police,
Rasipuram Police Station,
Rasipuram Taluk,
Namakkal District - 637 408
3. The Public Prosecutor
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

mrp

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