

V.Sampath Vs. State

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Court : Chennai

Decided On : May-16-2013

Judge : M.Venugopal

Appellant : V.Sampath

Respondent : State

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED: 16.05.2013
CORAM THE HONOURABLE MR.JUSTICE M.VENUGOPAL Writ Petition
No.14401 of 2013 V.Sampath .Petitioner Vs The State, rep., by The Inspector of
Police, Thimmapettai Police Station, Vaniyampadi Taluk, Vellore
District.Respondent Prayer:- Writ Petition filed under Article 226 of the Constitution
of India praying for issuance of a Writ of Mandamus, directing the respondent to
grant permission and protection to conduct the cultural programme (Dance and
Music Program) in the Thirupathi Gangaimman Temple, situated at Thimmapettai
Village & Post, Vaniyampadi Taluk, Vellore District, scheduled to be held on
21.5.2013 from 7.00 p.m.to 11.00 a.m.For Petitioner : Mr.G.Dhandapani For
Respondent : Mr.M.S.Ramesh, Additional Government Pleader

ORDER

The Petitioner sent a representation, dated 08.05.2013, to the
Respondent/Inspector of Police, Thimmapettai Police Station, Vaniyampadi Taluk,

Vellore District, for conducting cultural programmes like village dance, which is scheduled to be held on 21.05.2013.

2. According to the Learned Counsel for the Petitioner, the Respondent/Police has not passed any orders based on his representation, dated 08.05.2013.

3. In view of the fact that no orders have been passed by the Respondent/Police based on the representation of the Petitioner dated 08.05.2013, the Petitioner has been forced to project the present Writ Petition before this Court seeking for issuance of an order in directing the Respondent in granting permission to conduct a cultural programme to be held on 21.05.2013, in the Thirupathi Gangaimman Temple, situated at Thimmapettai Village & Post, Vaniyampadi Taluk, Vellore District.

4. This Court has heard the Learned Counsel appearing for the Petitioner and the Learned Additional Government Pleader appearing for the Respondent and also looked into the relevant typed set of papers filed before this Court in this Writ Petition.

5. On a careful consideration of respective contentions, this Court is inclined to direct the Respondent to consider the representation of the Petitioner dated 08.05.2013 in regard to the conduct of the cultural programme to be held on 21.05.2013, as made mention of in his representation and to pass appropriate orders in according permission to the Petitioner to conduct the cultural programme to be held on 21.05.2013 in the Thirupathi Gangaimman Temple, situated at Thimmapettai Village & Post, Vaniyampadi Taluk, Vellore District, between 7.00 p.m. and 10.00 p.m., subject to the following conditions:- (a) The cultural programme should be conducted by the Petitioner in an organised and serene manner without causing any law and order problem.

(b) The Petitioner is directed to file an affidavit before the Respondent/Police that there will not be any obscene or vulgar dance during the performance by any one of the prospective participants or others as the case may be.

(c)The dance programme is restricted between 7.00 p.m.and 10.00 p.m.on 21.05.2013.

6.If the Petitioner violates any one of the aforesaid conditions, the Respondent/Police or the duly Authorised Officer on his behalf is empowered to take necessary action in accordance with law and in the manner known to law (including the one under the Indecent Representation of Women (Prohibition) Act, 1986 (60 of 1986) and put an end to such performance.

If the programme exceeds the permitted time limit, viz., 10.00 p.m.on 21.05.2013, then the Respondent/Police is directed to immediately stop the cultural/dance/drama programme.

7.With the above directions, the Writ Petition is disposed of.

No costs.

Bs To The State, rep., by The Inspector of Police, Thimmapettai Police Station, Vaniyampadi Taluk, Vellore District

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