

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2018

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

Criminal Original Petition No.2 of 2018

K.J.Selvakumar

...Petitioner.

Vs.

1.The Superintendent of Police,
Erode District.

2.The Sub-Inspector of Police,
Sivagiri Police Station,
Erode District.

...Respondents.

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to grant permission and Bandobustto to conduct cultural programs (Aadal Padal) at Kollankovil, Kandasmipalayam Village Arulmigu Sri Maga Kaliyamman Kovil Thiruvizha on 04.01.2018 by considering the petitioner's representation dated 30.12.2017 at North Street, Kodumudi, Kandasamipalayam Village & Post, Erode District.

For Petitioner: Mr.V.Ravichandran

For Respondents: Mr.R.Ravichandran
Government Advocate (Crl.Side)

सत्यमेव जयते
O R D E R

The prayer sought for in this Criminal Original Petition is for a direction to the second respondent to grant permission and bandobast to conduct cultural program (Aadal Padal) at Kollankovil, Kandasmipalayam Village Arulmigu Sri Maga Kaliyamman Kovil Thiruvizha on 04.01.2018 by considering the petitioner's representation dated 30.12.2017 at North Street, Kodumudi, Kandasamipalayam Village & Post, Erode District.

2.I have heard Mr.V.Ravichandran, learned counsel appearing for the petitioner and Mr.R.Ravichandran, learned Government Advocate appearing for the respondents.

3.The petitioner claimed to be one of the member of the organizing committee for the temple festival, and as a part of the festival, he claimed that, on 04.01.2018, they have fixed for a cultural program (dance program-in tamil it is called as Aadal Padal Nigazchi). It is further claimed by the petitioner, in order to get police protection for performing the said program, he had sent a representation to the second respondent on 30.12.2017 seeking permission. However, permission was not granted on the ground that if permission is granted, law and order problem would arise in the village. Therefore, the petitioner has approached this Court by filing this petition seeking the aforesaid prayer.

4.On perusal of the copy of the petitioner's representation dated 30.12.2017, it discloses that, the temple festival would start from 03.01.2018 and in this regard, the villagers have decided to conduct a cultural program on 04.01.2018 between 8 p.m., to 11 p.m., and for the said program, he seeks for permission and bandobast from the second respondent police.

5.Apart from the copy of the representation dated 30.12.2017, no other document has been filed by the petitioner with regard to the temple festival or the program fixed by the village people or the organizing committee to have program on various dates commencing from 03.01.2018. Moreover, this petition has been filed by an individual, who claimed to be the member of the organization committee. Who constituted the organizing committee? Either by the village people in a whole or by majority of the people. Whether Committee said to have been constituted or formed, for performing the temple festival, has been recognized or approved by the village people or by the temple authorities, is not known.

6.Be that as it may. Whenever a temple festival is performed in the village, usually a cultural program would be organized to mark such festival. Such cultural programs may be in the form of drama or dance or speeches etc. Insofar as conducting these programs not in violation of the law which is in force nor if it is performed or conducted in a peaceful manner without giving any room for any likelihood of deterioration of law and order situation in the village or in the locality concerned, there can be no impediment under the law which is in force to give such permission to organizers.

7.In this context, the learned counsel appearing for the petitioner produced a copy of the order passed by the learned Judge of this Court in similar circumstances in CrI.O.P.No.28310 of 2017 by an order dated 19.12.217. For easy reference, the relevant portion of the said order is extracted hereunder:

(a) The cultural programme in connection with in the event

of Cultural Program(Adal Padal) at Appakudal, Gandhi Street Arulmigu Sree Omkalamman Temple Festival at Bhavani Taluk, Erode District on 12.01.2018 between 06.00 p.m and 11.00 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(c) Double meaning songs should not be played so as to spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) 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

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

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

8. In view of the aforesaid order having been passed by this Court and it was also claimed by the learned counsel for the petitioner that number of orders have been passed by this Court in similar circumstances, I am inclined to pass the following order in this Original Petition.

9. The second respondent police is hereby directed

(i) to verify whether an organizing committee has been constituted by the village people to perform the temple festival including cultural program scheduled to be held on 04.01.2018.

(ii) If so, the second respondent shall consider to grant permission for such cultural program on 04.01.2018 or in any other date fixed or to be fixed by the organizing committee. But such permission shall not be given either to the petitioner or to any individual, instead, it shall be given to a committee consisting of atleast 10 members from the village concerned. In this regard, the second respondent with the help of Revenue Officials (Revenue Inspector or VAO concerned) shall ensure that, at any rate, permission shall be given only to a committee or a group of local people consisting of not less than 10 persons.

(iii) While giving such permission, the second respondent shall impose a condition that if any unlawful activity or violation of law in general or violation of conditions imposed herein, in particular, is taken place which would ultimately create law and order problem in that locality, this committee members consisting of 10 persons shall be held responsible and

stringent criminal action under the law would be initiated against them.

10. Apart from the aforesaid conditions, the following additional conditions shall also be imposed by the second respondent for strict compliance of the said committee members including the petitioner herein.

(a) The cultural programme in connection with in the event of Adal Padal at Kollankovil, Kandasmipalayam Village Arulmigu Sri Maga Kaliyamman Kovil Thiruvizha on 04.01.2018 at North Street, Kodumudi, Kandasamipalayam Village & Post, Erode District, shall be conducted between 06.00 p.m and 11.00 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(c) Double meaning songs should not be played so as to spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) 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

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

(j) the respondent is directed to issue necessary permission incorporating the above conditions.

11. With these observations/conditions, this Criminal Original Petition is disposed of.

Sd/-
Asst. Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

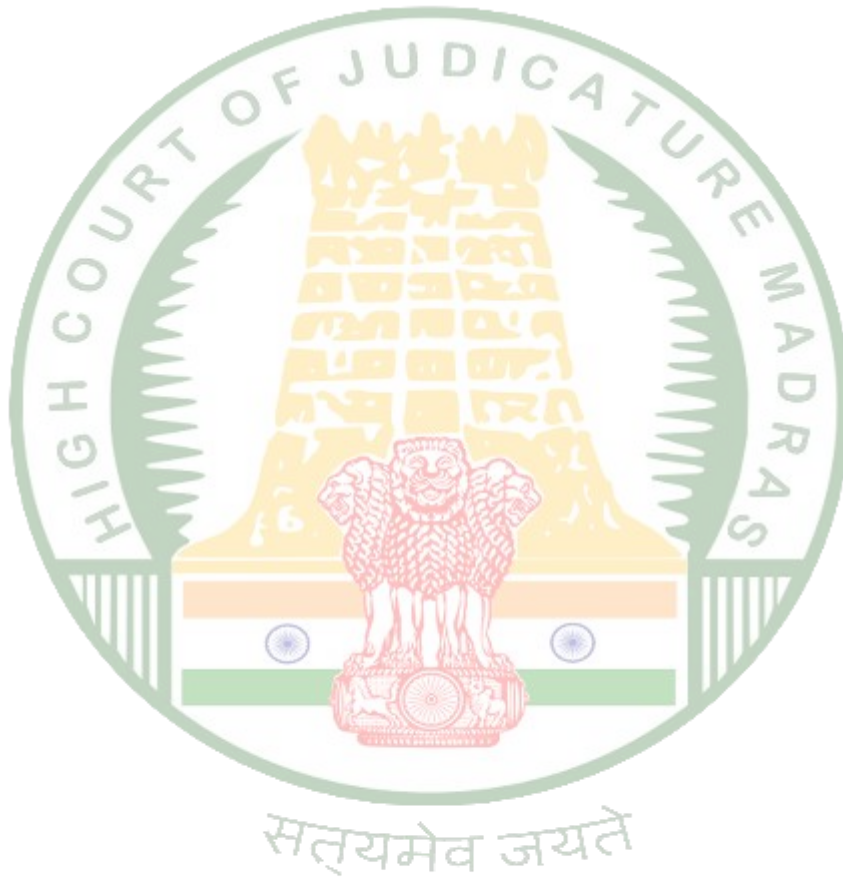
1. The Superintendent of Police,
Erode District.

2.The Sub-Inspector of Police,
Sivagiri Police Station,
Erode District.

+lcc to Mr.V.Ravichandran, Advocate sr.no.291

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