

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.OP.No.4368 of 2018

S.Allimuthu

.. Petitioner

Vs

State. By the
The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to direct the respondent to grant permission to conduct Kapadi Competition in Sri Mariyamman Kovil Festival situated at Kariyaperumal Kovil Thidal, Suriyamalai, Kallangkattuvalasu on 24.03.2018 & 25.03.2018 and to give protection.

For Petitioner : M/s.C.S.Saravanan

For Respondent : Mr.C.Raghavan
Government Advocate (Crl. Side)

O R D E R

Seeking permission to conduct cultural programme in the event of Sri Mariyamman Kovil Festival situated at Kariyaperumal Kovil Thidal, Suriyamalai, Kallangkattuvalasu on 24.03.2018 & 25.03.2018, the petitioner made a representation dated 09.02.2018 to the respondent. As the same has not been considered, the present criminal original petition has been filed.

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

3. Learned Government Advocate (Crl. Side), on instructions, would submit that there is likelihood of arising law and order problem.

4. 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 of the matter, the criminal original petition is allowed and the petitioner is permitted to conduct cultural programme , however, with the following conditions:-

(a) The cultural programme in connection with the event of Sri Mariyamman Kovil Festival situated at Kariyaperumal Kovil Thidal, Suriyamalai, Kallangkattuvalasu, shall be conducted on 24.03.2018 & 25.03.2018 between *06.00 a.m. And 7.00 a.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 protection and permission, incorporating the above conditions.

dh

15/02/2018

For Being Mentioned

This Matter having been listed under the Caption "for Being Mentioned" on 16/03/2018, pursuant to the order of this court dated 15/02/2018 and 01/03/2018 and made herein the presence of Mr.C.S.Saravanan, Advocate for the Petitioner and of Mr.Kritika Kamal, Government Advocate (Cr1.Side) on behalf of the Respondents the court made the following Order:-

Today, this Criminal Original Petition is listed under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. Heard both sides.

3. It is seen that the Registry had inadvertently typed and issued an order of some other case. In view of the same the order dated 15.02.2018 is recalled.

4. As a consequence, the petitioner is directed to approach the respondent herein with his representation, seeking permission to conduct Kabadi tournament on 24.03.2018 and 25.03.2018 and on receipt of such representation, the respondent herein shall positively consider the same and issue necessary permission enabling the petitioner to conduct the Kabadi tournament on 24.03.2018 and 25.03.2018 between 6.00 a.m. to 10.00 p.m.

5. While granting the said permission, it will be open to impose reasonable restrictions to regulate the tournament.

6. With this clarifications, the Criminal Original Petition stands allowed.

Klt

16/03/2018

Sd/- Asst.Registrar (CS II)

Dated : 20/02/2018

***Corrected as per order dated
01/03/18 made in CRL.OP.4368/18**

Sd/-Asst.Registrar (CS VIII)

Dated: 05/03/2018

Sd/-Asst. Registrar[cs.iii]

Dt/-21/03/2018.

/true copy/

Sub Assistant Registrar

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To

1. The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.

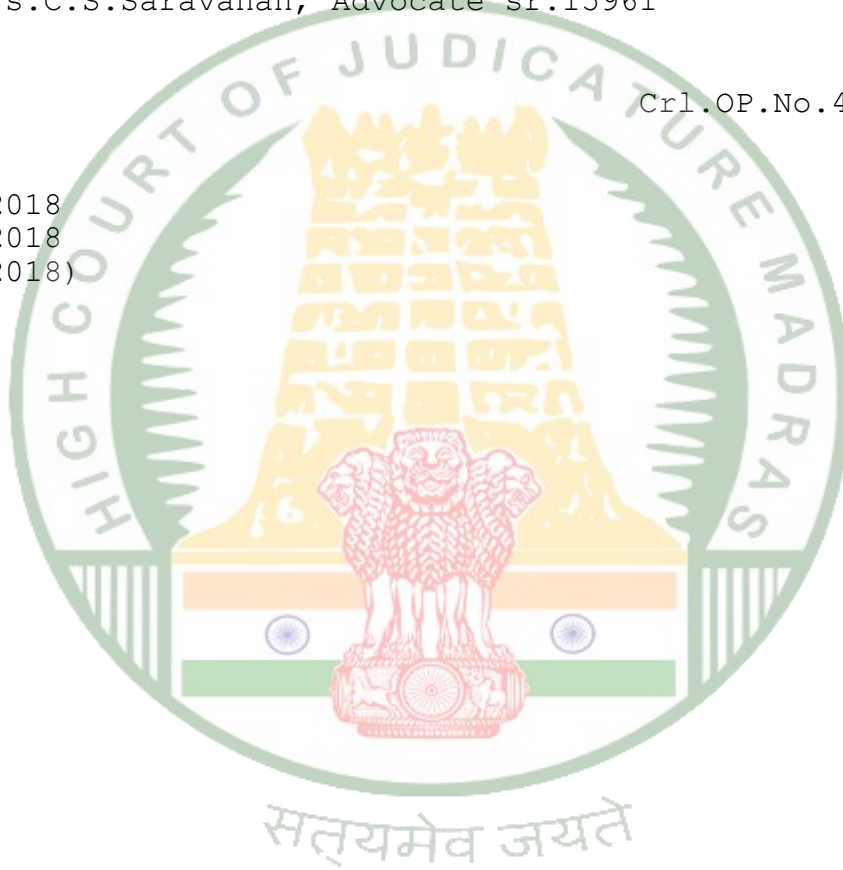
To be substituted order
already despatched on 06/03/18

2. The Public Prosecutor,
High Court, Madras.

+lcc to M/s.C.S.Saravanan, Advocate sr.15961

Cr1.OP.No.4368 of 2018

rsy(co)
nr 20/02/2018
nr 05/03/2018
GN(22/03/2018)



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