



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.05.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.OP.(MD) No.8163 of 2018

N.Sarvaratchakan

.. Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Sindupatti Police Station,
Madurai District.

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to direct the respondents to grant permission to perform the program of Adal Padal' on 21.05.2018 night at about 8.00 p.m to 12.00 a.m at Arulmigu Sri Kaliyamman Thirukovil, is situated at Periyapokkampatti, Thangalacheri Post, Thirumangalam Taluk, Madurai District and to provide adequate police protection based on the petitioner's representations dated 01.05.2018.

For Petitioner : Mr.R.Karthic Rajan
For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

- - - -

O R D E R

Seeking permission to conduct cultural programme in the event of "Arulmigu Sri Kaliyamman Thirukovil," Temple Festival, situated in Periyapokkampatti, Thangalacheri Post, Thirumangalam Taluk, Madurai District , the petitioner made a representation dated 01.05.2018 to the respondents. 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 Additional Public Prosecutor appearing for the respondents.

3. Learned Additional Public Prosecutor, 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 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 "Arulmigu Sri Kaliyamman Thirukovil" Temple Festival, situated in Periyapokkampatti, Thangalacheri Post, Thirumangalam Taluk, Madurai District, shall be conducted on 21.05.2018 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 protection and permission, incorporating the above conditions.

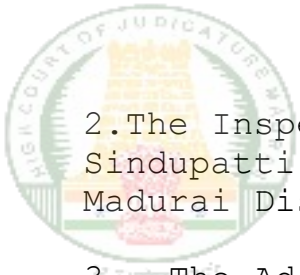
(j) It is made clear that the concerned police officer shall give due consideration to any person, other than the petitioner, who may claim rights of conducting cultural programme and take a final decision after giving due consideration to such rival contentions.

Sd/
Vacation Officer

/True copy/

Sub Assistant Registrar

To
The Superintendent of Police,
Madurai District.



2.The Inspector of Police,
Sindupatti Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.KARTHIC RAJAN, Advocate, SR.No. 65615

Crl.OP.(MD) No.8163 of 2018
17.05.2018

NS/CM
KK/SV MMS/SAR-3/22.05.2018/2P-5C