



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **16.05.2018**

CORAM

THE HONOURABLE Mr.JUSTICE **M.S.RAMESH**

Crl.OP(MD)No.8138 of 2018

A.Balasubramanian

.. Petitioner

Vs

State represented by

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.PC, praying to direct the 2nd respondent herein to grant permission and give police protection to conduct Innisai Katcheri, "Aadalum Padalum" dance program and Asathapovathu Yaru at about 7.00 p.m. On 19.05.2018, 20.05.2018 & 21.05.2018 respectively in pursuance to the festival of "Arulmigu Sri Kaliyamman Thirukovil" situated in Poolavoorani, Virudhunagar District on considering the petitioner's representation dated 04.05.2018.

For Petitioner : Mr.S.Karthick Subramanian
For Respondents : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Criminal Side)

O R D E R

Seeking permission to conduct cultural programme in the event of Arulmigu Sri Kaliyamman Thirukovil" situated in Poolavoorani, Virudhunagar District, the petitioner made a representation dated 04.05.2018 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 Government Advocate (Criminal Side) appearing for the respondent.

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

4.This Court in a batch of petitions has held that permission for cultural programmes in temple can be granted and the same could be regulated by the police in order to avoid any law and order situation or misuse of the permission by resorting to vulgarity/obscenity.



5. Under such circumstances, 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 "Arulmigu Sri Kaliyamman Thirukovil" situated in Poolavoorani, Virudhunagar District, shall be conducted on 19.05.2018, 20.05.2018 and 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.

(k) In case if there is any discrepancy with regard to the date on which the programme is to be conducted, it would be open to the respondent police to extend protection on some other day after giving due notice to the petitioner.

Sd/-
Vacation Officer



To

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.

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

+1cc to Mr.S.Karthick Subramanian, Advocate, SR.No.65830.

Cr1.OP(MD)No.8138 of 2018
16.05.2018

PS/PNN

RAM/SV MMS/SAR 3/18.05.2018/3P/5C