

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.3457 of 2019

N.Nandhakumar

... Petitioner

Vs.

The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam Taluk,
Namakkal District.

... Respondent

Prayer:Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the respondent authority to give police protection and permission to conduct cultural programme (Adal Padal) in the event of Kumarapalayam, Mudhaliyar Street Arulmigu Sree Periya Mariamman Temple Festival at Kumarapalayam Taluk, Namakkal District on 08.03.2019 between 6.00 pm to 11.00 p.m. By considering the petitioner's representation dated 04.02.2019.

For Petitioner : Mr.A.Sathishkumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

Seeking permission to conduct cultural programme in the event of Kumarapalayam, Mudhaliyar Street Arulmigu Sree Periya Mariamman Temple Festival at Kumarapalayam Taluk, Namakkal District, the petitioner made a representation dated 04.02.2019 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 Additional Public Prosecutor appearing for the respondent.

3. The 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, this petition is allowed and the petitioner is permitted to conduct cultural programme in the event of Kumarapalayam, Mudhaliyar Street Arulmigu Sree Periya Mariamman Temple Festival at Kumarapalayam Taluk, Namakkal District however with the following conditions:-

(a) The cultural programme in connection with the event of Kumarapalayam Taluk, Kumarapalayam, Mudhaliyar Street Arulmigu Sree Periya Mariamman Temple Festival at Namakkal District shall be conducted on 08.03.2019 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.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

ssr/rpl

To.

1. The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam Taluk,
Namakkal District.

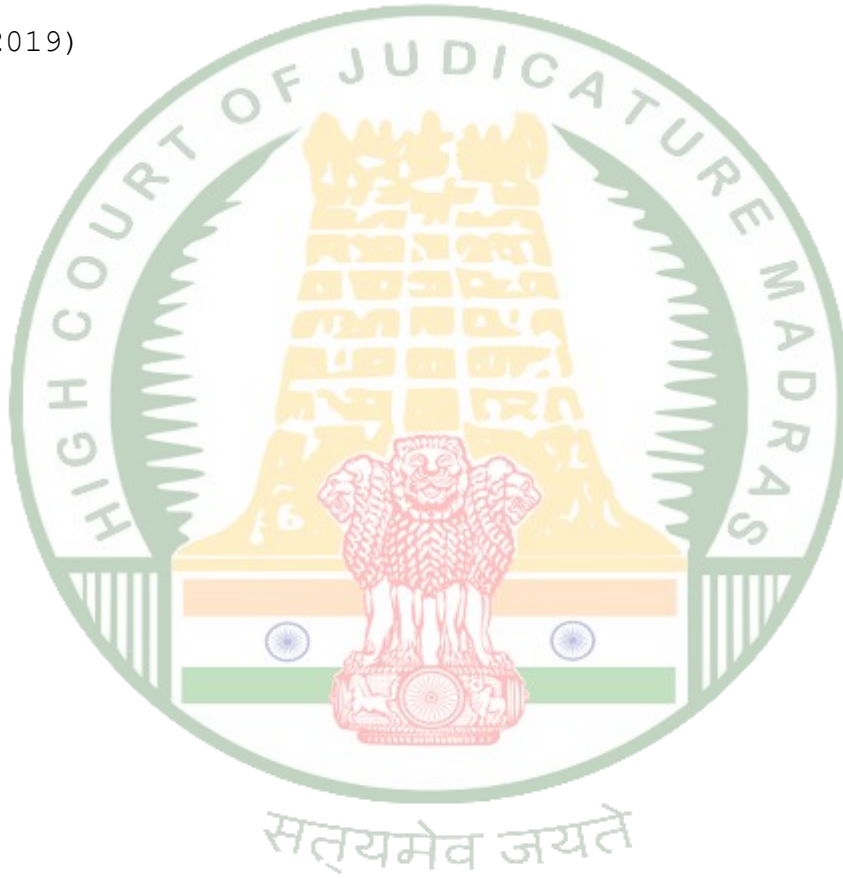
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2. The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.A.Sathishkumar, Advocate sr 11563

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SP(18/02/2019)



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