

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 3880 of 2019

K.Murugesan

.. Petitioner

Vs

1.The Superintendent of Police,
Namakkal, Namakkal District - 637 001.

2.The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam Taluk,
Namakkal District - 638 183.

.. Respondents

Prayer: Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, to direct the respondent to grant permission to perform the program of 'Adal Padal' on 08.03.2019 at about 7.00 p.m. to 12.a.m at Sri Sakthi Mariamman Temple Festival is situated at Kumarapalayam, Kumarapalayam Taluk, Namakkal District and to provide adequate police protection based on the petitioner's representation dated 30.01.2019.

For Petitioner : Mr.S.Mayilnathan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

Seeking permission to conduct cultural programme in the event of Sri Sakthi Mariamman Temple Festival at Kumarapalayam, Kumarapalayam Taluk, Namakkal District, shall be on 08.03.2019, the petitioner made a representation dated 30.01.2019 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. 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 Sri Sakthi Mariamman Temple Festival at Kumarapalayam, Kumarapalayam Taluk, Namakkal District, shall be conducted on 08.03.2019, however with the following conditions:-

(a) The cultural programme in connection with the event of Sri Sakthi Mariamman Temple Festival at Kumarapalayam, Kumarapalayam Taluk, Namakkal District, shall be conducted on 08.03.2019 between 06.00 p.m. and 10.00 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.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

lpp/mpa

To

1.The Superintendent of Police,
Namakkal, Namakkal District - 637 001.

2.The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam Taluk,
Namakkal District - 638 183.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Mayilnathan, Advocate SR.No.13848

Cr1.O.P.No. 3880 of 2019

LN(CO)
GMY(04/03/2019)



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