

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 18.02.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4360 of 2019

K.Sithuraj

.. Petitioner

Vs

1.The Superintendent of Police,
Salem District.

2.The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to grant permission to conduct the cultural dance program on 20.02.2019 between 7.00 p.m. and 10.00 p.m. to be held in Meyyanur Arulmeegu Sri Vadapathira Kaliyamman Koil, Elampillai, Edanganasalai Village, Sankari Taluk, Salem District, during temple function held within the jurisdiction of Magudanchavadi Police Station, Salem-16, Salem District, by considering the representation dated 06.02.2019.

For Petitioner : Mr.B.Vasudevan

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

O R D E R

Seeking permission to conduct cultural programme in the event of Edanganasalai Village Meyyanur Arulmeegu Sri Vadapathira Kaliyamman Koil, Elampillai, Temple Festival at Salem District, the petitioner made a representation dated 06.02.2019 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, the petitioner is permitted to conduct cultural programme in the event of Elampillai, Edanganasalai Village Meyyanur Arulmeegu Sri Vadapathira Kaliyamman Koil, Temple Festival at Salem District, however with the following conditions:-

(a) The cultural programme in connection with the event of Edanganasalai Village Arulmeegu Sri Vadapathira Kaliyamman Koil, Temple Festival at Salem District shall be conducted on 20.02.2019 between 6.00 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.

5. With the above directions, this Criminal Original Petition stands allowed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

rri/rm

To

1.The Superintendent of Police,
Salem District.

2.The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to B.Vasudevan, Advocate Sr.No.14371

CSL/19.02.2019

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