

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 5043 of 2019

M.Communisam

... Petitioner

Vs.

The Inspector of Police,
Amani Kondalampatti,
Kondalampatti Police Station,
Salem District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to provide police protection to the petitioners' village to conduct the cultural programme(Aadal Paadal) on the eve of temple festival of the Sri Sakthi Mariyamman Temple situate at Kattur Village, Amani Kondalampatti, Salem District which is scheduled to be conducted on 04.03.2019 based on the representation of the petitioner dated 19.02.2019.

For Petitioner : Mr.C.Prabakaran

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

O R D E R

Seeking permission to conduct cultural programme on 04.03.2019, in the event of Kattur Village Sri Sakthi Mariyamman Temple Festival at Amani Kondalampatti, Salem District, the petitioner made a representation dated 19.02.2019 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, the petitioner is permitted to conduct cultural programme in the event of Kattur Village Sri Sakthi Mariyamman Temple Festival at Amani Kondalampatti, Salem District, however with the following conditions:-

(a) The cultural programme in connection with the event of Kattur Village Sri Sakthi Mariyamman Temple Festival at Amani Kondalampatti, Salem District, shall be conducted on 04.03.2019 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/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

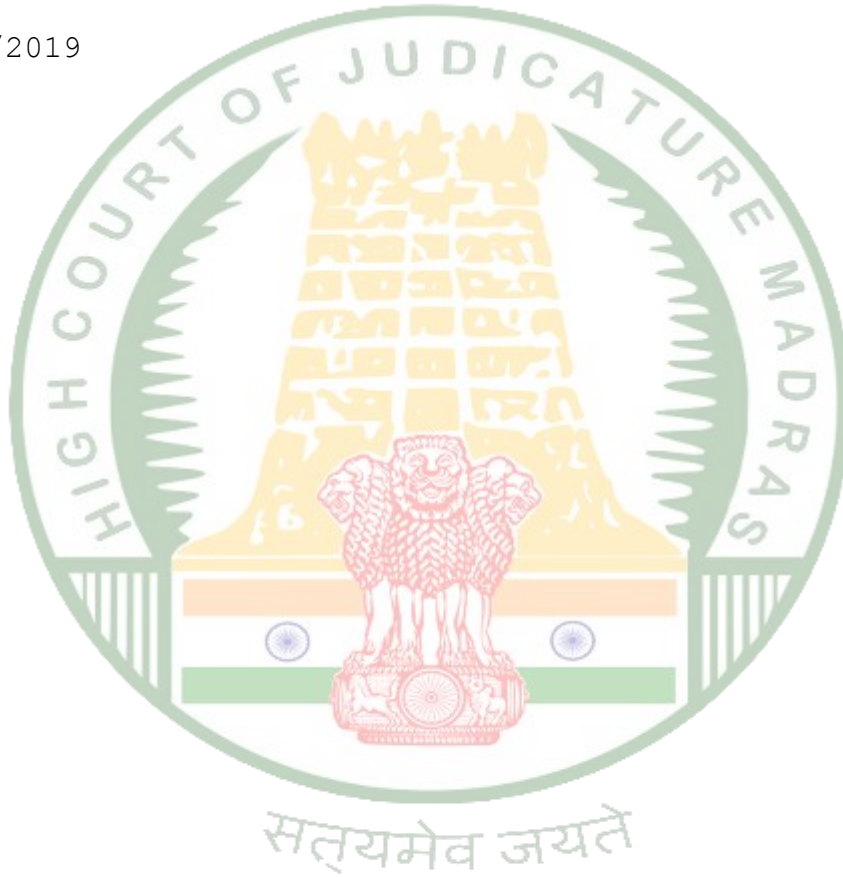
1. The Inspector of Police,
Amani Kondalampatti,
Kondalampatti Police Station,
Salem District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate Sr.17517

Cr1.O.P.No.5043 of 2019

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