

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2019

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THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 5211of 2019

R.Vadivazhagan

.. Petitioner

Vs.

The State of Tamilnadu,
Rep. by its,
Inspector of Police,
Vaaimeedu Police Station,
Vedharaniyam taluk,
Nagapattinam District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to grant permission and protection to conduct cultural program (Dance and Music Program) in the Sri Mariyamman, Sri Munishwaran Temple Festival situated at Paachalankulath Street, Vannduvaancheri, Vedharaniyam Taluk, Nagapattinam District Scheduled to be held on 04.03.2019 from 7.00 p.m to 11.00 p.m. and considering by his representation dated 20.02.2019.

For Petitioner : Mr.N.Desinghu

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

सत्यमेव जयते
O R D E R

Seeking permission to conduct cultural programme on 04.03.2019, in the event of Paachalankulath Street, Vannduvaancheri Village Sri Mariyamman, Sri Munishwaran Temple Festival at Vedharaniyam Taluk, Nagapattinam District, the petitioner made a representation dated 20.02.2019 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 Paachalankulath Street, Vannduvaancheri Village Sri Mariyamman, Sri Munishwaran Temple Festival at Vedharaniyam Taluk, Nagapattinam District, however with the following conditions:-

(a) The cultural programme in connection with the event of Paachalankulath Street, Vannduvaancheri Village Sri Mariyamman, Sri Munishwaran Temple Festival at Vedharaniyam Taluk, Nagapattinam 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

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To

1.The Inspector of Police,
Vaaimeedu Police Station,
Vedharaniyam taluk,
Nagapattinam District.

2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.5211of 2019

SSD (CO)
GMY (01/03/2019)



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