

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 26.02.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 5224 of 2019

R.Sathiyamoorthi

.. Petitioner

Vs

The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam,
Namakkal District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent authority to give police protection and permission to conduct Cultural Pogramme (Adal Padal Nigalchi) in the event of Aiyinthupanai, Puthu Street Arulmigu Sree Mariamman Temple Festival At Kumarapalayam Taluk, Namakkal District on 27.02.2019 between 06.00PM to 11.00PM by considering the petitioner's representation dated 23.02.2019.

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 Aiyinthupanai, Puthu Street Arulmigu Sree Mariamman Temple Festival at Kumarapalayam Taluk, Namakkal District, the petitioner made a representation dated 23.02.2019 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 Aiyinthupanai, Puthu Street Arulmigu Sree Mariamman Temple Festival at Kumarapalayam Taluk, Namakkal District, however with the following conditions:-

(a) The cultural programme in connection with the event of Aiyinthupanai, Puthu Street Arulmigu Sree Mariamman Temple Festival at Kumarapalayam Taluk, Namakkal District, shall be conducted on 27.02.2019 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 respondents is directed to issue necessary permission, incorporating the above conditions.

mpa/lpp

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam,
Namakkal District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Sathishkumar , Advocate SR.No. 17547

Cr1.O.P.No. 5224 of 2019

A.SK(26/02/2019)