

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.03.2019

CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5540 of 2019

M.Deva,
S/o.Marimuthu.

.. Petitioner

Vs.

1. The Superintendent of Police,
Dharmapuri,
Dharmapuri District 635 001.

2.The Inspector of Police,
Kambainallur Police Station,
Karimangalam Taluk,
Dharmapuri District-635 202.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to grant permission to perform the program of "Adal Padal" on 05.03.2019 at about 6.00 p.m., to 11.00 p.m., at "Sri Poongavanathamman Temple Festival" situated at Konampatti Kottavur Village, Thippampatti Post, Karimangalam Taluk, Dharmapuri District and to provide adequate Police Protection based on the petitioner's representation dated 17.02.2019.

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 Poongavanathamman Temple Festival" situated at Konampatti Kottavur Village, Thippampatti Post, Karimangalam Taluk, Dharmapuri District, the petitioner made a representation dated 17.02.2019 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 "Sri Poongavanathamman Temple Festival" situated at Konampatti Kottavur Village, Thippampatti Post, Karimangalam Taluk, Dharmapuri District, however with the following conditions:-

(a) The cultural programme in connection with the event of "Sri Poongavanathamman Temple Festival" situated at Konampatti Kottavur Village, Thippampatti Post, Karimangalam Taluk, Dharmapuri District, shall be conducted on 05.03.2019 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.

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

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Sd/-
Assistant Registrar (CS)

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Dharmapuri,
Dharmapuri District 635 001.

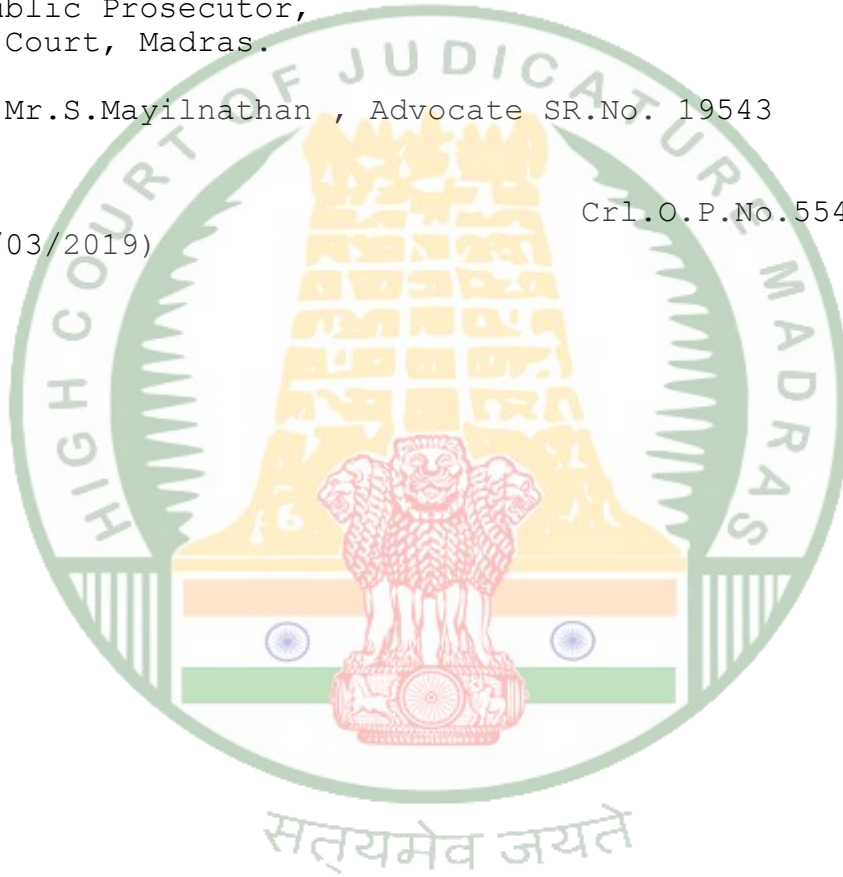
2.The Inspector of Police,
Kambainallur Police Station,
Karimangalam Taluk,
Dharmapuri District-635 202.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Mayilnathan , Advocate SR.No. 19543

A.SK(04/03/2019)

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