

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 01.03.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 5548 of 2019

S.Mani

.. Petitioner

Vs.

The Inspector of Police,
Omalur Police Station,
Omalur Taluk,
Salem 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 Programme (Adal Padal Nigalchi) in the event of Palakuttapatti Arulmigu Sree Thottiyathu Mariamman Temple Festival at Omalur Taluk, Salem District on 04.03.2019 between 6.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 26.02.2019.

For Petitioner : Mr.A.Sathishkumar

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 Palakuttapatti Arulmigu Sree Thottiyathu Mariamman Temple Festival at Omalur Taluk, Salem District the petitioner made a representation dated 26.02.2019 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 Palakuttapatti Arulmigu Sree Thottiyathu Mariamman Temple Festival at Omalur Taluk, Salem District however with the following conditions:-

(a) The cultural programme in connection with the event of Palakuttapatti Arulmigu Sree Thottiyathu Mariamman Temple Festival at Omalur Taluk, 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 (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Omalar Police Station,
Omalar Taluk,
Salem District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr..A.Sathishkumar , Advocate SR.No. 19519

Cr1.O.P.No.5548 of 2019

A.SK(01/03/2019)