

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED 05.03.2019  
CORAM  
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 5851 of 2019

A.Ashok Kumar

.. Petitioner

Vs.

The State represented by  
The Inspector of Police,  
Tholasampatti Police Station,  
Tholasampatti,  
Salem District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to grant permission and to provide police protection to the petitioners' village to conduct the cultural programme (Gramiya Kalai Nigazhchi) on the eve of temple festival of the Arulmigu Sri Periyamariyamman Temple at Tholasampatti, Omalur Taluk, Salem District which is scheduled to be conducted on 07.03.2019 based on the representation of the petitioner dated 25.02.2019.

For Petitioner : Mr.C.Prabakaran

For Respondent : C.Raghavan  
Government Advocate (Crl. Side)

O R D E R

Seeking permission to conduct cultural programme on 07.03.2019, in the event of Tholasampatti Village Arulmigu Sri Periyamariyamman Temple Festival at Omalur Taluk, Salem District, the petitioner made a representation dated 25.02.2019 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 Government Advocate appearing for the respondent.

3. The Government Advocate, 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 Tholasampatti Village Arulmigu Sri Periyamariyamman

Temple Festival at Omalur Taluk, Salem District, however with the following conditions:-

(a) The cultural programme in connection with the event of Tholasampatti Village Arulmigu Sri Periyamariyamman Temple Festival at Omalur Taluk, Salem District, shall be conducted on 07.03.2019 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 IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,  
Tholasampatti Police Station,  
Tholasampatti, Salem District.

2.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.20570 (06/03/2019)

Cr1.O.P.No.5851 of 2019

AK(CO)

rrs 05/03/2019