

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 07.03.2019

CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 6062 of 2019

R.Thirunavukarasu

.. Petitioner

Vs.

The Inspector of Police,
Santhavasal Police Station,
Tiruvannamalai District.
.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police authority to give police protection and permission to conduct Musical Orchestra (Innesai Kachari) in the temple festival of Shri Poongavanathamman Ratha Utchavam (Ther Thiruvizha) temple situated at Kelur Village, Polur Taluk, Tiruvannamalai District which is going to be held on 15.03.2019 by considering the petitioner's representation dated 02.03.2019.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.C.Raghavan

Government Advocate (Crl. Side)

O R D E R

Seeking permission to conduct cultural programme on 15.03.2019, in the event of Kelur Village Shri Poongavanathamman Ratha Utchavam (Ther Thiruvizha) Temple at Polur Taluk, Tiruvannamalai District, the petitioner made a representation dated 02.03.2019 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 Kelur Village Shri Poongavanathamman Ratha Utchavam (Ther Thiruvizha) Temple at Polur Taluk, Tiruvannamalai District, however with the following conditions:-

(a) The cultural programme in connection with the event of Kelur Village Shri Poongavanathamman Ratha Utchavam (Ther Thiruvizha) Temple at Polur Taluk, Tiruvannamalai District, shall be conducted on 15.03.2019 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,
Santhavasal Police Station,
Tiruvannamalai District.

2. The Public Prosecutor, High Court, Madras.
+1cc to Mr. B. Gopalakrishnan, Advocate SR.No. 21099

CrI.O.P.No.6062 of 2019

A.SK(12/03/2019)