

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 6392 of 2019

S.Senivasan

.. Petitioner

Vs.

State Rep. by

The Inspector of Police,
Chithode Police Station,
Chithode,
Erode 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 Kongampalayam Village, Arulmigu Sree Makaliyamman & Sandikaruppan Temple Festival at Erode Taluk & District on 29.03.2019 between 6.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 04.03.2019.

For Petitioner : Mr.A.Sathishkumar

For Respondent : Mr.Mohamed Riyaz
Additional Public Prosecutor

ORDER

Seeking permission to conduct cultural programme on 29.03.2019, in the event of Kongampalayam Village, Arulmigu Sree Makaliyamman & Sandikaruppan Temple Festival at Erode Taluk & District, the petitioner made a representation dated 04.03.2019 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 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 Kongampalayam Village, Arulmigu Sree Makaliyamman & Sandikaruppan Temple Festival at Erode Taluk & District, however with the following conditions:-

(a) The cultural programme in connection with the event of Kongampalayam Village, Arulmigu Sree Makaliyamman & Sandikaruppan Temple Festival at Erode Taluk & District, shall be conducted on 29.03.2019 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-VIII)

//True copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Chithode Police Station,
Chithode,
Erode District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.A.Sathishkumar, Advocate SR.No.22778

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GMV (12/03/2019)



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