

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6559 of 2019

S.Umapathi

.. Petitioner

Vs

State Rep. by

The Inspector of Police,
Elachipalayam Police Station,
Tiruchengode Taluk,
Namakkal District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to consider the petitioner representation dated 28.02.2019 made to the respondent, to grant permission in order to conduct the cultural program and to give police protection for the said program which are schedule to be conducted on 21.03.2019 at Vaiyappamalai market ground, Located near Sri Murugan Kovil, Situated at Vaiyappamalai Village, Thiruchengode Taluk, Namakkal District.

For Petitioner : Mr.J.Ram Kumar

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

O R D E R

Seeking permission to conduct cultural programme in the event of "Sri Murugan Kovil" at Vaiyappamalai Village, Thiruchengode Taluk, Namakkal District, the petitioner made a representation dated 28.02.2019 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 (Crl. Side) appearing for the respondent.

3. The learned Government Advocate (Crl. Side), 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 Murugan Kovil, Situated at Vaiyappamalai Village, Thiruchengode Taluk, Namakkal District, however with the following conditions:-

(a) The cultural programme in connection with the event of Sri Murugan Kovil, Situated at Vaiyappamalai Village, Thiruchengode Taluk, Namakkal District shall be conducted on 21.03.2019 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 second 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-III)

//True copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Elachipalayam Police Station,
Tiruchengode Taluk,
Namakkal District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.J.Ramkumar, Advocate SR.No.23379

CrI.O.P.No.6559 of 2019

GMV (19/03/2019)



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