

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 7237 of 2019

C.Ganapathy

.. Petitioner

Vs

The State rep by its,
The Inspector of Police,
Modakurichi Police Station,
Erode District-638 104.

.. 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 (Adalum Padalum) at Shri Kariyakaliamman Temple Festival Modakurichi, Erode District on 28.03.2019 by considering the petitioner's representation dated 04.03.2019.

For Petitioner : Mr.M.Manimaran

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

ORDER

Seeking permission to conduct cultural programme in the event of Shri Kariyakaliamman Temple Festival at Modakurichi, Erode District on 28.03.2019, 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 Government Advocate (Crl.Side) appearing for the respondents.

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,

this petition is allowed and the petitioner is permitted to conduct cultural programme in the event of Shri Kariyakaliamman Temple Festival at Modakurichi, Erode District on 28.03.2019, however with the following conditions:-

(a) The cultural programme in connection with the event of Shri Kariyakaliamman Temple Festival at Modakurichi, Erode District on 28.03.2019, 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 respondents is directed to issue necessary permission, incorporating the above conditions.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

mpa/lpp
To

1. The Inspector of Police,
Modakurichi Police Station,
Erode District-638 104.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Manimaran, Advocate, S.R.No.25606

Cr1.O.P.No. 7237 of 2019

RGN(CO)
SSM(26/03/2019).