IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8179 of 2019

S.Kalaiarasan .. Petitioner

Vs.

The State;
represented by
The Inspector of Police,
Mallur Police Station,
Salem District. .. Respondent

Prayer :
Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the respondent herein to grant permission to give police protection to the petitioner herein for organizing the cultural function [Nadana Nattiya Kalai Nigalchi] to Sri Chinna Mariamman Temple Festival in Kolichipatti Village on 03.04.2019 by the petitioner's representation dated 22.03.2019.

For Petitioner : Mr.S.Ashokkumar

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

ORDER

Seeking permission to conduct the cultural programme [Nadana Nattiya Kalai Nigalchi] in the event of Sri Chinna Mariamman Temple Festival in Kolichipatti Village, Salem District, based on the petitioner's representation dated 22.03.2019 to the respondent police. 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

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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 [Nadana Nattiya Kalai Nigalchi] scheduled to be held on 03.04.2019 in the event of Sri Chinna Mariamman Temple Festival in Kolichipatti Village, Salem District, scheduled to be held on 03.04.2019 between 06.00 p.m. to 10.00p.m., however with the following conditions:-

(a) The cultural programme [Nadana Nattiya Kalai Nigalchi] in the event of Sri Chinna Mariamman Temple Festival in Kolichipatti Village, Salem District, shall be conducted on 03.04.2019 between 06.00 pm. and 10.00pm.

(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.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

msm

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To

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

2. The Public Prosecutor
   High Court of Madras, Chennai.

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