

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8194 of 2019

P.Dharmalingam

.. Petitioner

Vs.

The State,
Represented by
The Inspector of Police,
Kondalampatti Police Station,
Salem District.

.. Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the respondent to give police protection and permission to the petitioner to conduct a cultural programme scheduled to be held on 05.04.2019 in "Sri Kumbathu Mariamman Sri Kaliyamman, at Periya Nagar, Puthur Agraharam, Salem District, by considering the petitioner's representation dated 21.03.2019.

For Petitioner : Mr.S.Premakumari

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

ORDER

Seeking permission to conduct the cultural programme at "Sri Kumbathu Mariamman Sri Kaliyamman, at Periya Nagar, Puthur Agraharam, Salem District, based on the petitioner's representation dated 21.03.2019 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 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 to be held on 05.04.2019 in the event of at at "Sri Kumbathu Mariamman Sri Kaliamman, at Periya Nagar, Puthur Agraharam, Salem District, on 05.04.2019 between 06.00 p.m. to 10.00p.m., however with the following conditions:-

(a) The cultural programme in connection with the event of at "Sri Kumbathu Mariamman Sri Kaliamman, at Periya Nagar, Puthur Agraharam, Salem District, shall be conducted on 05.04.2019 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 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 (V)

//True Copy//

Sub Assistant Registrar

msm

To

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

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

+lcc to M/s.S.Premakumari, Advocate, S.R.No.28993

CrI.O.P.No.8194 of 2019

KJ(CO)

RRS (03/04/2019)



WEB COPY