

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8427 of 2019

M.Elamparithi

.. Petitioner

Vs.

State by

1.The Superintendent of Police,
Salem District,
Salem

2.The Inspector of Police,
Mechary Police Station,
Mechery
Salem District

.. Respondents

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 the Cultural Programme (Adalum Padalum) at Sree Mariamman Koil Thilal along with annual celebration of Sree Periya Mariamman Koil at Pommampatti Village, Mettur Taluk, Salem District on 02.04.2019 at 7.00 P.M by considering the petitioner's representation dated 25.03.2019.

For Petitioner : Mr.R.Prabudoss

For Respondents: Mr.C.Raghavan

Govt. Advocate (Crl. Side)

सत्यमेव जयते
O R D E R

Seeking permission to conduct cultural programme in the event of Sree Periya Mariamman Koil at Pommampatti Village, Mettur Taluk, Salem District, the petitioner made a representation dated 25.03.2019 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, the petitioner is permitted to conduct cultural programme in the event of Sree Periya Mariamman Koil at Pommampatti Village, Mettur Taluk, Salem District however with the following conditions:-

(a) The cultural programme in connection with the event of Sree Periya Mariamman Koil at Pommampatti Village, Mettur Taluk, Salem District shall be conducted on 02.04.2019 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 respondents are directed to issue necessary permission, incorporating the above conditions.

5. With the above directions, this Criminal Original Petition stands allowed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

vsn/mpa

To

1.The Superintendent of Police,
Salem District,
Salem

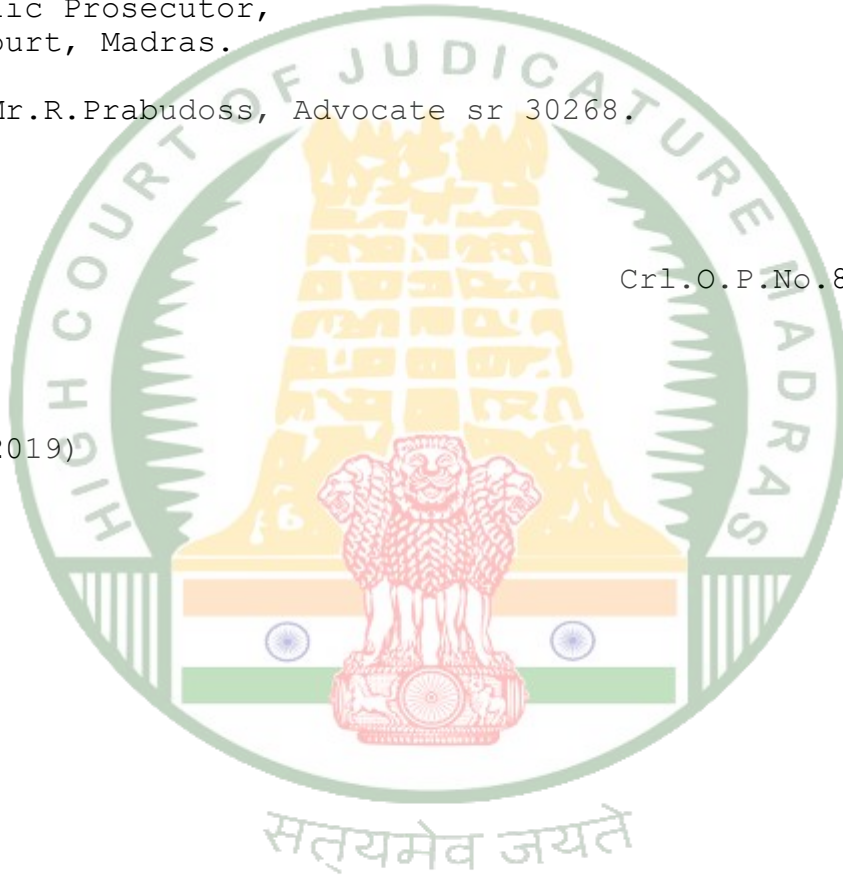
2.The Inspector of Police,
Mechary Police Station,
Mechery
Salem District

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.Prabudoss, Advocate sr 30268.

Cr1.O.P.No.8427 of 2019

RJI (CO)
SP (29/03/2019)



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