

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 01.04.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8596 of 2019

M.Udhaya Kumar

.. Petitioner

Vs

1. The Commissioner of Police,
Salem District.

2. The Inspector of Police,
Veeranam Police Station,
Salem - 636 122.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to grant permission and protection to conduct cultural programme on 04.04.2019 from 07.00 p.m. to 10.30 p.m. at "Sri Selva Mariyamman Temple Tidal", situated at Koraathupatti, Vanniyar Street, Veeranam Post, Salem - 636 122 by petitioner's representation dated 26.03.2019.

For Petitioner : Mr.C.Selvaraj

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

Seeking permission to conduct cultural programme in the event of Sri Selva Mariyamman Temple Festival at Sri Selva Mariyamman Temple Tidal, Koraathupatti, Vanniyar Street, Veeranam Post, Salem - 636 122, the petitioner made a representation dated 26.03.2019 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 Additional Public Prosecutor appearing for the respondents.

3. The learned Additional Public Prosecutor, 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 Selva Mariyamman Temple Festival at Sri Selva Mariyamman Temple Tidal, Koraathupatti, Vanniyar Street, Veeranam Post, Salem - 636 122 however with the following conditions:-

(a) The cultural programme in connection with the event of Sri Selva Mariyamman Temple Festival at Sri Selva Mariyamman Temple Tidal, Koraathupatti, Vanniyar Street, Veeranam Post, Salem - 636 122 shall be conducted on 04.04.2019 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.

ssr/rri

Sd/--

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police, Salem District.

2. The Inspector of Police,
Veeranam Police Station, Salem - 636 122.

3. The Public Prosecutor, High Court, Madras.
+1cc to Mr.C.Selvaraj, Advocate SR.No. 30770

CrI.O.P.No.8596 of 2019

A.SK(02/04/2019)