

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 04.04.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 9110 of 2019

A.Perumal .. Petitioner
Vs.

1.The Superintendent of Police,
Salem District, Salem.

2.The Deputy Superintendent of Police,
Mettur, Salem District.

3.The Inspector of Police,
Mechery Police Station,
Salem District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to grant permission and provide Police protection to the petitioners' village to conduct the cultural programme (Gramiya Kalai Nigazhchi) on the eve of temple festival of the Sri Sakthimariyamman Temple situate at Ponnankuttai Kattuvalavu, Upparapatti, Vellalar Village, Mettur Taluk, Salem District which is scheduled to be conducted on 09.04.2019 based on the representation of the petitioner dated 01.04.2019 forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.C.Raghavan

Government Advocate (Crl.Side)

O R D E R

Seeking permission to conduct cultural programme on 09.04.2019, in the event of Ponnankuttai Kattuvalavu, Upparapatti, Vellalar Village Sri Sakthimariyamman Temple Festival at Mettur Taluk, Salem District the petitioner made a representation dated 01.04.2019 to the respondents. 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 Ponnankuttai Kattuvalavu, Upparapatti, Vellalar Village Sri Sakthimariyamman Temple Festival at Mettur Taluk, Salem District however with the following conditions:-

(a) The petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) as charges, to the respondents Police and on receipt of the same, the respondents Police is directed to issue receipt and proceed further.

(b) The cultural programme in connection with the event of Ponnankuttai Kattuvalavu, Upparapatti, Vellalar Village Sri Sakthimariyamman Temple Festival at Mettur Taluk, Salem District shall be conducted on 09.04.2019 between 6.00 p.m. and 10.00 p.m.

(c) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(d) Double meaning songs should not be played so as to spoil the minds of students and youths.

(e) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(f) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(g) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(h) 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

(i) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit.

(j) 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 (CS iv)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Salem District, Salem.
- 2.The Deputy Superintendent of Police,
Mettur, Salem District.
- 3.The Inspector of Police,
Mechery Police Station,
Salem District.
- 4.The Public Prosecutor
High Court, Madras.

+1cc to Mr. C.Prabakaran, Advocate SR.No. 32655

Crl.O.P.No.9110 of 2019

A.SK(05/04/2019)



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