

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10447 of 2019

K.M.Kuppusamy

... Petitioner

Vs.

1.The Superintendent of Police,
Erode,
Erode District-638 001.

2.The Inspector of Police,
Bhavani Police Station,
Bhavani Taluk,
Erode District-638 312.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to issue direction to the respondent to grant permission to perform the program of 'Adal Padal' on 27.04.2019 at about 06.00 P.M. To 11.00 P.M. At "Sri Mariamman & Sri Pathrakali Amman Temple Festival" is situated at Kadayampatti Village, Kadayampatti Post, Bhavani Taluk, Erode District and to provide adequate police protection based on the petitioner's representations dated 20.03.2019.

For Petitioner : Mr.S.Bharathi

For Respondents : Mr.C.Raghavan
Government Advocate (Crl.side)

O R D E R

Seeking permission to conduct cultural programme in the event of "Sri Mariamman & Sri Pathrakali Amman Temple Festival" is situated at Kadayampatti Village, Kadayampatti Post, Bhavani Taluk, Erode District, the petitioner made a representation dated 20.03.2019, to the 2nd 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 "Sri Mariamman & Sri Pathrakali Amman Temple Festival" is situated at Kadayampatti Village, Kadayampatti Post, Bhavani Taluk, Erode District, on 27.04.2019, however with the following conditions:-

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

(b) The cultural programme in connection with the event of "Sri Mariamman & Sri Pathrakali Amman Temple Festival" is situated at Kadayampatti Village, Kadayampatti Post, Bhavani Taluk, Erode District, shall be conducted on 27.04.2019 between 06.00 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(CO)

//True Copy//

Sub Assistant Registrar

rm
To:

1.The Superintendent of Police,
Erode,
Erode District-638 001.

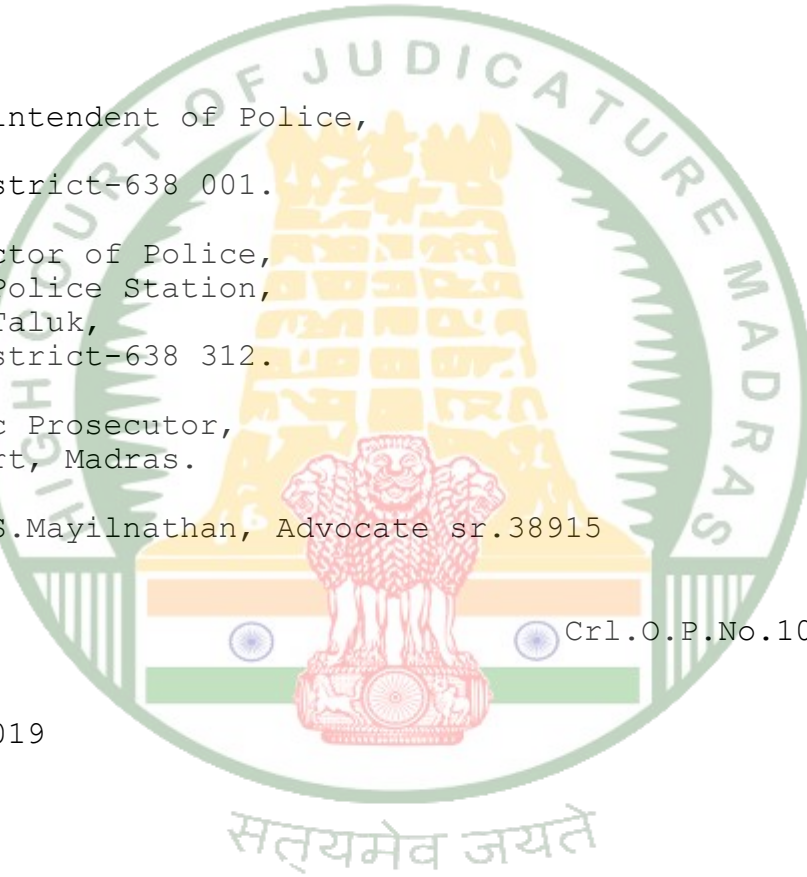
2.The Inspector of Police,
Bhavani Police Station,
Bhavani Taluk,
Erode District-638 312.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Mayilnathan, Advocate sr.38915

Cr1.O.P.No.10447 of 2019

BS (CO)
srg 25/04/2019



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