

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.10397 of 2019

Mohanraj

... Petitioner

Vs

State rep by
The Inspector of Police,
Magudanchavadi Police Station,
Kakapalayam, Salem District. ... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent authority to give police protection and permission to conduct the Vandivesan Programme in Mariamman Temple Festival at Magudanchavadi, Sankari Taluk, Salem District on 20.04.2019 by considering the petitioner's representation dated 13.04.2019.

For Petitioner : Mr.T.N.Rangesh Kanna

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent authority to give police protection and permission to conduct the Vandivesan Programme in Mariamman Temple Festival at Magudanchavadi, Sankari Taluk, Salem District on 20.04.2019 by considering the petitioner's representation dated 13.04.2019.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

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 Mariamman Temple Festival at Magudanchavadi, Sankari Taluk, Salem District however with the following conditions:-

(a) The cultural programme in connection with the event of Mariamman Temple Festival at Magudanchavadi, Sankari Taluk, Salem District shall be conducted on 20.04.2019.

(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(CS ii)

//True Copy//

Sub Assistant Registrar

rna
To

1.The Inspector of Police,
Magudanchavadi Police Station,
Kakapalayam, Salem District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr. T.N.Rangesh Kanna, Advocate SR.No. 37335

CrI.O.P.No.10397 of 2019

A.SK(16/04/2019)