

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10777 of 2019

M.Chinnathambi

.. Petitioner

Vs.

The Inspector of Police,
Ethapur Police Station,
Salem District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to grant permission and police protection to conduct the cultural event viz., Adal Padal (Song and Dance) Program to be held on 07.05.2019 at 7.00 p.m. onwards in connection with the Temple Festival of Sri Mariyamman Thirukovil, Kottavadi Village, Pethanaickanpalaiyam Taluk, Salem District, by considering the petitioner's representation dated 20.04.2019.

For Petitioner : Mr.S.Sathish

For Respondent : Mr.C.Raghavan
Government Advocate (Crl. Side)

ORDER

Seeking permission to conduct cultural programme 07.05.2019, in the event of Sri Mariyamman Thirukovil, Kottavadi Village, Pethanaickanpalaiyam Taluk, Salem District, the petitioner made a representation dated 20.04.2019 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 respondent.

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 Mariyamman Thirukovil, Kottavadi Village, Pethanaickanpalaiyam 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 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 Mariyamman Thirukovil, Kottavadi Village, Pethanaickanpalaiyam Taluk, Salem District, shall be conducted on 07.05.2019 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 IX)
//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Ethapur Police Station,
Salem District.

2. The Public Prosecutor
High Court, Madras.

+lcc to Mr.S.Sathish, Advocate, S.R.No.38436

CrI.O.P.No.10777 of 2019

RR(CO)
CS/24/04/2019



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