

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10782 of 2019

K.Gunasekaran

..Petitioner

Vs.

1.The Superintendent of Police,
Namakkal, Namakkal District-637 001.

2.The Inspector of Police,
Mohanur Police Station,
Mohanur Taluk,
Namakkal District-637 015.

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to grant permission to perform the program of 'Adal Padal' on 29.04.2019 at about 6.00 p.m. to 11.00 p.m. at "Sri Maha Mariamman Temple festival" is situated at Kirayur Village, Pettapalayam post, Mohanur Taluk, Namakkal District and to provide adequate police protection based on the petitioner's representation dated 02.04.2019.

For Petitioner : Mr.S.Mayilnathan

For Respondents : Mr.C.Raghavan

Government Advocate (Crl. Side)

O R D E R

Seeking permission to conduct cultural programme on 29.04.2019, in the event of Kirayur Village Sri Maha Mariamman Temple Festival at Pettapalayam post, Mohanur Taluk, Namakkal District, the petitioner made a representation dated 02.04.2019 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 Kirayur Village Sri Maha Mariamman Temple Festival at Pettapalayam post, Mohanur Taluk, Namakkal 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 Kirayur Village Sri Maha Mariamman Temple Festival at Pettapalayam post, Mohanur Taluk, Namakkal District, shall be conducted on 29.04.2019 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.

rri

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police,
Namakkal, Namakkal District-637 001.

2.The Inspector of Police,
Mohanur Police Station,
Mohanur Taluk,
Namakkal District-637 015.

3.The Public Prosecutor
High Court, Madras.

+1cc to M/s.S.Mayilnathan, Advocate, Sr.No.38922

Crl.O.P.No.10782 of 2019

Kak(23/04/2019)



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