

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10949 of 2019

Kuppusamy

..Petitioner

Vs

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

2.The Inspector of Police,
Appakudal Police Station,
Erode District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to give Bandobust for permission to conduct the cultural programme on 25.04.2019 in the event of Arulmighu Sri Maga Mariamman Koil, Kalakattu Pudur, Andiyur Taluk, Erode District based on the petitioner's representation dated 20.04.2019.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

O R D E R

Seeking permission to conduct cultural programme in the event of Arulmighu Sri Maga Mariamman Koil, Kalakattu Pudur, Andiyur Taluk, Erode District on 25.04.2019, the petitioner made a representation dated 20.04.2019 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 Additional Public Prosecutor appearing for the respondents.

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 Arulmighu Sri Maga Mariamman Koil, Kalakattu Pudur, Andiyur Taluk, Erode District on 25.04.2019, however with the following conditions:-

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

(b) The cultural programme in connection with the event of Arulmighu Sri Maga Mariamman Koil, Kalakattu Pudur, Andiyur Taluk, Erode District on 25.04.2019, 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 respondents are directed to issue necessary permission, incorporating the above conditions.

5. With the above directions, this Criminal Original Petition stands allowed.

vsn/mpa

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Appakudal Police Station,
Erode District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Selvam, Advocate, SR.No.39477

CrI.O.P.No.10949 of 2019

Kak(24/04/2019)



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