

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11237 of 2019

P.Peraman

.. Petitioner

Vs

1.The Superintendent of Police,
Salem, Salem District-636 001

2.The Inspector of Police,
C3, Omalur Police Station,
Omalur Taluk,
Salem District-636 453

.. 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 02.05.2019 at about 06.00P.M to 11.00P.M at ''Sri Mariamman Temple festival'' is situated at Kamalapuram Village, Kamalapuram Post, Omalur Taluk, Salem District and to provide adequate police protection based on my representations dated 02.04.2019.

For Petitioner : Mr.M.S.Mayilnathan

For Respondents: Mr.C.Raghavan
Govt. Advocate (Crl. Side)

O R D E R

Seeking permission to conduct cultural programme in the event of Arulmighu Sri Mariamman Koil at Kalappampatti post, Pennagaram Taluk, Dharmapuri District on 02.05.2019, the petitioner made a representation dated 22.04.2019 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 Mariamman Temple festival'' is situated at Kamalapuram Village, Kamalapuram Post, Omalur Taluk, Salem District on 02.05.2019, 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 Temple festival'' is situated at Kamalapuram Village, Kamalapuram Post, Omalur Taluk, Salem District on 02.05.2019, 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.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Salem, Salem District-636 001

2.The Inspector of Polcie,
C3, Omalur Police Station,
Omalur Taluk,
Salem District-636 453

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Mayilnathan, Advocate sr 40722.

Crl.O.P.No.11237 of 2019

KJ(CO)
SP(29/04/2019)



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