

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11142 of 2019

C.Kannan

.. Petitioner

Vs

State Rep by

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

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to grant permission to give police protection to conduct Cultural Programme (Adal Padal Nigalchi) at T.V.S.Main Road, Near 40 Feet Road in the event of Pudur Kallankuthur Arulmigu Sree Mariamman Temple Festival at Salem Taluk & District on 27.04.2019 between 06.00P.M to 11.00P.M by considering the petitioner's representation dated 22.04.2019.

For Petitioner : A.Sathishkumar

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

O R D E R

Seeking permission to conduct cultural programme in the event of T.V.S.Main Road, Near 40 Feet Road, Pudur Kallankuthur Arulmigu Sree Mariamman Temple Festival at Salem Taluk & District on 27.04.2019, 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 T.V.S.Main Road, Near 40 Feet Road, Pudur Kallankuthur Arulmigu Sree Mariamman Temple Festival at Salem Taluk & District on 27.04.2019, however with the following conditions:-

(a) The petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) as charges, to the 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 T.V.S.Main Road, Near 40 Feet Road, Pudur Kallankuthur Arulmigu Sree Mariamman Temple Festival at Salem Taluk & District on 27.04.2019, 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 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

//True Copy//

Sub Assistant Registrar

vsn/mpa

To

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

2. The Public Prosecutor,  
High Court, Madras.

+1 cc to M/s.A.Sathishkumar, Advocate, S.R.No.40717

CrI.O.P.No.11142 of 2019

RJ (CO)  
SSM(26/04/2019).



WEB COPY