

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2019

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.12749 of 2019

S.Elumalai

... Petitioner

Vs.

1.The Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District - 606 001.

2.The Inspector of Police,
Kalasapakkam Police Station,
Kalasapakkam Taluk,
Tiruvannamalai District - 606 751.

... Respondents

Prayer:

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, issue a direction to the respondent to grant permission to perform the program of 'Adal Padal' on 20.05.2019 at about 06.00p.m. to 11.00 p.m. at "Sri Mariamman Temple Festival" is situated at Kangeyanur Kuppam, Kappalur Post, Polur Taluk, Tiruvannamalai District and to provide adequate police protection based on the petitioner's representation dated 01.05.2019.

For Petitioner : Mr.S.Mayilanathan

For Respondents : Ms.M.Prabhavathi

Additional Public Prosecutor

O R D E R

Seeking permission to conduct Adal Padal programme in the event of Sri Mariamman Temple Festival situated at Kangeyanur Kuppam, Kappalur Post, Polur Taluk, Tiruvannamalai District, the petitioner made a representation dated 01.05.2019 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 Adal Padal programme in the event of Sri Mariamman Temple Festival situated at Kangeyanur Kuppam, Kappalur Post, Polur Taluk, Tiruvannamalai District, however with the following conditions:-

(a) The Adal Padal programme in connection with the event of Sri Mariamman Temple Festival situated at Kangeyanur Kuppam, Kappalur Post, Polur Taluk, Tiruvannamalai District, shall be conducted on 20.05.2019 between 06.00 p.m. and 11.00 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(c) Double meaning songs should not be played so as to spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) 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

(h) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit.

(i) 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

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To

1.The Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District - 606 001.

2.The Inspector of Police,
Kalasapakkam Police Station,
Kalasapakkam Taluk,
Tiruvannamalai District - 606 751.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Mayilanathan, Advocate sr 43455.

Crl.O.P.No.12749 of 2019

SAI (CO)
SP(16/05/2019)



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