

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12898 of 2019

S.Palanisamy

Petitioner

Vs

1. The Superintendent of Police,
Namakkal, Namakkal District - 637 001.
2. The Inspector of Police,
Namakkal Police Station.
Sendamangalam Taluk,
Namakkal District.

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue a direction to the respondent to grant permission to perform the program of 'Adal padal' on 22.05.2019 at about 06.00 P.M to 11.00P.M at Sri Putrukan Mahamariamman Temple festival is situated at Kanavaipatti Village, Thosur Post, Sendamangalam Taluk, Namakkal District and to provide adequate police protection based on the petitioner's representations dated 01.05.2019.

For petitioner : Mr.S.Mayilnathan

For respondent : Ms.P.Kritika Kamal,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent to give police protection and permission to the petitioner to conduct a Cultural programme (Adal Padal Nigalchi) scheduled to be held on 22.05.2019 between 06.00 PM to 11.00PM in Sri Putrukan Mahamariamman Temple festival is situated at Kanavaipatti Village, Thosur Post, Sendamangalam Taluk, Namakkal District by considering the petitioner representation dated 01.05.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3. The learned counsel for the petitioner would submit that the petitioner is a resident of Sri Putrukan Mahamariamman Temple festival is situated at Kanavaipatti Village, Thosur Post, Sendamangalam Taluk, Namakkal District is situated. The temple festival will be celebrated in the said temple in a very grand and peaceful manner and during the festival, the villagers planned to conduct Cultural programme (Adal Padal Nigalchi) on 22.05.2019. In this regard, the petitioner gave a representation to the respondent on 01.05.2019. Since the permission was not granted, the present Criminal Original Petition has been filed.

4. The learned counsel appearing for the petitioner would further submit that though they have sought for conducting the Cultural programme (Adal Padal Nigalchi) on 22.05.2019, due to the Code of Conduct regarding the elections, they are prepared to conduct the Cultural programme (Adal Padal Nigalchi), after 27th May 2019, when the Code of Conduct comes to an end and would pray that on fresh application being given, the respondent Police may be directed to consider the same and pass orders, on merits and in accordance with law.

5. The learned Government Advocate appearing for the respondent, on instructions, would submit that the respondent has no serious objection. She further submitted that permission may be granted subject to stringent conditions.

6. Considering the facts and circumstances of the case, the Criminal Original Petition is disposed of with the following directions:

The 2nd respondent/The Inspector of Police, Namakkal Police Station, Sendamangalam Taluk, Namakkal District, is directed to consider the fresh representation of the petitioner and to give permission and to provide police protection for Cultural Programme (Adal Padal Nigalchi) done by Pottanam Arulmigu Sree Kongu Mariamman Temple at Sendamangalam Taluk, Namakkal District which is to be held after 27th May 2019, subject to the following conditions;

(a) Cultural Programme (Adal Padal Nigalchi) done by Sri Putrukan Mahamariamman Temple festival is situated at Kanavaipatti Village, Thosur Post, Sendamangalam Taluk, Namakkal District which is to be held after 27th May 2019, should be completed before 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 as they will 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 conducted beyond the permitted time limit.

(i) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.

7. It is open to the respondent police to impose any further restrictions or conditions purely in the interest of preserving public order and tranquility. There can be a total ban for putting up any Flex Board representing any community political party or organization.

8. With the above directions, the Criminal Original Petition is disposed of. No costs.

Sd/-

Vacation Officer

//True Copy//

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To

Sub Assistant Registrar

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

2. The Inspector of Police,
Namakkal Police Station.
Sendamangalam Taluk,
Namakkal District.

3. The Public Prosecutor, High Court, Madras.

+1 cc to M/s.S.Mayilnathan, Advocate, S.R.No.43741

CrI.O.P.No.12898 of 2019

SSM(24/05/2019)