

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13122 of 2019

P.Theenathayalan

Petitioner

Vs.

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

2.The Inspector of Police,
Thoppur Police Station,
Dharmapuri Taluk,
Dharmapuri District.

Respondents

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondents to grant permission to perform the program of Adal Padal in the event of Sri Mariamman Temple Festival at Melpurikal Village, Esalpatti Post, Dharmapuri Taluk, Dharmapuri District on 17.05.2019 between 06.00 P.M. to 11.00 P.M. by considering the petitioner's representation dated 01.05.2019.

For petitioner : Mr.S.Mayilnathan
For respondents : Ms.P.Kritika Kamal,
Government Advocate (CrI.Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents to grant permission to the petitioner for conducting Cultural Programme (Adal Padal Nigalchi) on 17.05.2019 between 06.00 P.M. to 11.00 P.M. and give adequate police protection in Sri Mariamman Temple Festival at Melpurikal Village, Esalpatti Post, Dharmapuri Taluk, Dharmapuri District.

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

3.The learned counsel for the petitioner would submit that the petitioner is the resident of Melpurikal Village, Esalpatti Post, Dharmapuri Taluk, Dharmapuri District where Sri Mariamman Temple is situated. The temple festival will be celebrated in a

grand manner every year and during the festival, the villagers planned to conduct Cultural Programme (Adal Padal Nigalchi) on 17.05.2019 between 06.00 P.M. to 11.00 P.M. In this regard, the petitioner gave a representation to the respondents on 01.05.2019. Since no action has been taken, the present petition has been filed.

4.The learned Counsel appearing for the petitioner would further submit that though they have sought for conducting the programme on 17.05.2019, due to the Code of Conduct regarding the elections, they are prepared to conduct the programmes, 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 respondents, on instructions, would submit that the respondents have no serious objection. She further submitted that permission may be granted subject to stringent conditions.

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

The second respondent/The Inspector of Police, Thoppur Police Station, Dharmapuri Taluk, Dharmapuri 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 Sri Mariamman Temple Festival at Melpurikal Village, Esalpatti Post, Dharmapuri Taluk, Dharmapuri District scheduled to be held after 27th May 2019, subject to the following conditions;

"(a) Cultural Programme (Adal Padal Nigalchi) done by Sri Mariamman Temple Festival at Melpurikal Village, Esalpatti Post, Dharmapuri Taluk, Dharmapuri District scheduled 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 second respondent/Inspector of 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.In the result, this Criminal Original Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Thoppur Police Station,
Dharmapuri Taluk,
Dharmapuri District.

3. The Public Prosecutor,
High Court, Chennai - 104.

+1 cc to Mr.S.Mayilnathan,Advocate Sr.No.43737

Cr1.O.P.No.13122 of 2019

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mp(21/05/2019)