

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.12864 of 2019

Elumalai

.. Petitioner

vs

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

2. The Inspector of Police,
R.K.Pettai Police Station,
R.K.Pettai,
Thiruvallur District.

..
Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the second respondent to grant permission and protection to conduct Cultural dance programme to be held on 19.05.2019 at Arulmigu Throwpathi Amman Temple, Vilakanampudi Pudhur Village, R.K.Pettai Taluk, Thiruvallur District by considering the petitioner representation dated 08.05.2019.

For petitioner : Mr.M.R.Elavarasan

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

ORDER

This Criminal Original Petition has been filed to direct the second respondent to give police protection and permission to the petitioner to conduct a cultural programme (Adal Padal Nigalchi) scheduled to be held on 19.05.2019 in Arulmigu Throwpathi Amman Temple, Vilakanampudi Pudhur Village, R.K.Pettai Taluk, Thiruvallur District by considering the petitioner representation dated 08.05.2019.

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 Chairman of festival Committee of Arulmigu Throwpathi Amman Temple, Vilakanampudi Pudhur Village, R.K.Pettai Taluk, Thiruvallur District. The temple festival will be celebrated in the said temple in a very grand manner and during the festival, the villagers planned to conduct Cultural programme (Adal Padal Nigalchi) on 19.05.2019. In this regard, the petitioner gave a representation to the respondents on 08.05.2019. Since the permission was not granted, the present Criminal Original Petition has been filed.

4. 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.

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

The second respondent/The Inspector of Police, R.K.Pettai Police Station, R.K.Pettai, Thiruvallur District is directed to consider the representation of the petitioner, dated 08.05.2019 and to give permission and to provide police protection for Cultural Programme (Adal Padal Nigalchi) done by Arulmigu Throwpathi Amman Temple, Vilakanampudi Pudhur Village, R.K.Pettai Taluk, Thiruvallur District, scheduled to be held on 19.05.2019, subject to the following conditions;

(a) Cultural Programme (Adal Padal Nigalchi) done by Arulmigu Throwpathi Amman Temple, Vilakanampudi Pudhur Village, R.K.Pettai Taluk, Thiruvallur District scheduled to be held on 19.05.2019, 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.

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

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

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Inspector of Police,
R.K.Pettai Police Station,
R.K.Pettai, Thiruvallur District.

+1cc to Mr.M.R.Elavarasan, Advocate, S.R.No.43689

Cr1.O.P.No.12864 of 2019

GJ(CO)
CS/17/05/2019