

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13269 of 2019

K.Jeyakumar

... Petitioner

Vs.

State, Represented by:

The Inspector of Police,
Morappur Police Station,
Morappur,
Dharmapuri District.

... Respondent

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondent authority to give police protection and permission to conduct Cultural Programme (Adal Padal Nigalchi) in the event of Kurubarahalli Village Arulmigu Sree Mariamman and Kaliyamman Temple Festival at Pappirettipatti Taluk, Dharmapuri District on 29.05.2019 between 06.00 P.M. to 11.00 P.M. by considering the petitioner's representation dated 06.05.2019.

For petitioner : Mr.C.Nandhakumar

For respondent : Ms.P.Kritika Kamal,
Government Advocate (Cr1.Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondent to grant permission to the petitioner for conducting Cultural Programme (Adal Padal Nigalchi) on 29.05.2019 between 06.00 P.M. to 11.00 P.M. and give adequate police protection in Kurubarahalli Village Arulmigu Sree Mariamman and Kaliyamman Temple Festival at Pappirettipatti Taluk, Dharmapuri District.

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 the resident of Kurubarahalli Village, Kurubarahalli Post, Pappirettipatti Taluk, Dharmapuri District,

where Kurubarahalli Village Arulmigu Sree Mariamman and Kaliyamman 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 29.05.2019 between 06.00 P.M. to 11.00 P.M.. In this regard, the petitioner gave a representation to the respondent on 06.05.2019. Since no action has been taken, the present petition has been filed.

4. 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.

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

The respondent/Inspector of Police, Morappur Police Station, Morappur, Dharmapuri District, is directed to consider the representation of the petitioner, dated 06.05.2019 and to give permission and to provide police protection for Cultural Programme (Adal Padal Nigalchi) done by Kurubarahalli Village Arulmigu Sree Mariamman and Kaliyamman Temple at Pappirettipatti Taluk, Dharmapuri District, scheduled to be held on 29.05.2019 between 06.00 P.M. to 11.00 P.M., subject to the following conditions;

"(a) Cultural Programme (Adal Padal Nigalchi) done by Kurubarahalli Village Arulmigu Sree Mariamman and Kaliyamman Temple Festival at Pappirettipatti Taluk, Dharmapuri District, scheduled to be held on 29.05.2019, 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 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.

7.In the result, this Criminal Original Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

mrp

To

1. The Inspector of Police,
Morappur Police Station,
Morappur, Dharmapuri District.
2. The Public Prosecutor
High Court, Madras.

+1cc to Mr.C.Nandhakumar, Advocate SR.No.43843

CrI.O.P.No.13269 of 2019

GP(CO)
GMY(22/05/2019)