

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.13131 of 2019

N.Arul

Petitioner

Vs.

State Rep. By
The Inspector of Police
Senthamangalam Police Station,
Senthamangalam,
Namakkal District.

Respondent

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondent to give police protection and permission to conduct Cultural programme (Adal Padal Nigalchi) at Muthukapatti Pugalenthir Thirumana Mandabam backside in the event of Muthukapatti Arulmigu Sree Maha Mariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 26.05.2019 between 6.00 pm to 11.00 pm by considering the petitioner's representation dated 07.05.2019.

For petitioner : Mr.A.Sathishkumar

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

O R D E R

This Criminal Original Petition has been filed to direct the respondent to grant permission and protection to conduct cultural programme (Adal Padal Nigalchi) in Muthukapatti Arulmigu Sree Maha Mariamman Temple Festival at Senthamangalam Taluk, Namakkal District scheduled to be held on 26.05.2019 from 6.00 pm to 11.00 pm and considering by his representation dated 07.05.2019.

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 the resident of Senthamangalam Taluk, Namakkal District where Muthukapatti Arulmigu Sree Maha 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 26.05.2019 between 06.00 P.M. to 11.00 P.M.. In this regard, the petitioner gave a representation to the respondent on 07.05.2019. 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 26.05.2019, 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. Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with the following directions:

The respondent/The Inspector of Police, Senthamangalam Police Station, Senthamangalam, 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 Muthukapatti Arulmigu Sree Maha Mariamman Temple Festival at Senthamangalam Taluk, Namakkal District, scheduled to be held after 27.05.2019 between 06.00 P.M. to 11.00 P.M., subject to the following conditions;

"(a) Cultural Programme (Adal Padal Nigalchi) done by Muthukapatti Arulmigu Sree Maha Mariamman Temple Festival at Senthamangalam Taluk, Namakkal District scheduled to be held after 27.05.2019, 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(CS)

//True copy//

Sub Assistant Registrar

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To

1. The Inspector of Police
Senthamangalam Police Station,
Senthamangalam,
Namakkal District.

2. The Public Prosecutor,
High Court, Madras

+1cc to Mr.A.Sathish Kumar, Advocate SR.No.43929

BR(CO)
GMY(21/05/2019)

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