

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.13286 of 2019

S. Easwaran

.. Petitioner

Vs.

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

2. The Inspector of Police,
Gobi Chettipalayam Police Station,
Erode District.

.... Respondents

PRAYER:

Petition filed under Section 482 of the Criminal Procedure Code praying to direct the second respondent to give the bandobust for permission to conduct the cultural programme on 17.05.2019 in the event of Arulmighu Sakthi Vinayagar Thirukoil at Pudhu Valliampalayam, Erode, based on the petitioner's representation dated 13.05.2019.

For petitioner : Mr.R.Gopinath

For respondents : Mrs.P.Kritika Kamal,
Government Advocate (Cr1.Side)

ORDER

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 17.05.2019 and give adequate police protection in the event of Arulmighu Sakthi Vinayagar Thirukoil at Pudhu Valliampalayam, Erode.

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 Dharmakartha of Arulmighu Sakthi Vinayagar Thirukoil at Pudhu Valliampalayam, Erode. The said 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. In this regard, the petitioner gave a representation to the respondent on 13.05.2019. 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 Second 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, Gobi Chettipalayam Police Station, Erode 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 Arulmighu Sakthi Vinayagar Thirukoil at Pudhu Valliampalayam, Erode, scheduled to be held after 27th May 2019, subject to the following conditions;

"(a) Cultural Programme (Adal Padal Nigalchi) done by Arulmighu Sakthi Vinayagar Thirukoil at Pudhu Valliampalayam, Erode, 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. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Superintendent of Police,
Erode, Erode District.
2. The Inspector of Police,
Gobi Chettipalayam Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Madras-104

+1cc to Mr.R.Gopinath, Advocate, S.R.No.43797

Cr1.O.P.No.13286 of 2019

SSD(CO)
CS/17/05/2019