

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2019

CORAM:

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Cr1.O.P.No.13984 of 2019

C.Subramani

...Petitioner

Vs.

1. The Superintendent of Police,
Tiruvannamalai
Tiruvannamalai District - 606 001.

2.The Inspector of Police,
Kalasapakkam Police Station,
Kalasapakkam Taluk,
Tiruvannamalai District - 606 802.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to grant permission to perform the program of 'Adal Padal' on 16.06.2019 at about 6.00 p.m. to 11.00 p.m. at "Sri Selvavinayakar, Sri Navasakthi Kaliyamman & Sri Ammachar Amman Temple Maha Kumbabishega festival" situated at Thennagaram Village, Thennagaram Post, Kalasapakkam Taluk, Tiruvannamalai District and to provide adequate police protection based on the petitioner's representation dated 04.05.2019.

For Petitioner : Mr.S.Mayilnathan

For Respondents: Ms.S.Thankira
Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents to grant permission to perform the program of 'Adal Padal' on 16.06.2019 at about 6.00 p.m. to 11.00 p.m. at "Sri Selvavinayakar, Sri Navasakthi Kaliyamman & Sri Ammachar Amman Temple Maha Kumbabishega festival" situated at Thennagaram Village, Thennagaram Post, Kalasapakkam Taluk, Tiruvannamalai District and to provide adequate police protection based on the petitioner's representation dated 04.05.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

3. The learned counsel for the petitioner would submit that the temple festival will be celebrated in a grand manner every year and during the festival, the villagers planned to conduct Cultural Programme on 16.06.2019. In this regard, the petitioner gave a representation to the respondent on 04.05.2019. Since no action has been taken, the present petition has been filed.

4. The learned Government Advocate (Criminal Side) 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, this Criminal Original Petition is disposed of with the following directions:

The 2nd respondent/The Inspector of Police, Kalasapakkam Police Station, Kalasapakkam Taluk, Tiruvannamalai District, is directed to consider the representation of the petitioner, dated 04.05.2019 and to give permission and to provide police protection for Cultural Programme in the event of Sri Selvavinayakar, Sri Navasakthi Kaliyamman & Sri Ammachar Amman Temple Maha Kumbabishega festival at Thennagaram Village, Thennagaram Post, Kalasapakkam Taluk, Tiruvannamalai District, scheduled to be held on 16.06.2019, subject to the following conditions;

(a) Cultural Programme (Adal Padal Nigalchi) in the event of Sri Selvavinayakar, Sri Navasakthi Kaliyamman & Sri Ammachar Amman Temple Maha Kumbabishega festival at Thennagaram Village, Thennagaram Post, Kalasapakkam Taluk, Tiruvannamalai District, scheduled to be held on 16.06.2019, should be completed before 10.00 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 respondents 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 direction.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Tiruvannamalai
Tiruvannamalai District - 606 001.

2.The Inspector of Police,
Kalasapakkam Police Station,
Kalasapakkam Taluk,
Tiruvannamalai District - 606 802.

3.The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.S.Mayilnathan, Advocate sr 44384.

Cr1.O.P.No. 13984 of 2019

SAI (CO)
SP(12/06/2019)