

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.14066 of 2019

Balu

.. Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintend of Police,
Nagapattinam.
2. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Vedaranyam,
Nagapattinam District.
3. The Inspector of Police,
Vedaranyam Police Station,
Vedaranyam,
Nagapattinam District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to grant permission and Police Protection to conduct the 'Theemidhi Tiruvizah' Festival and cultural and entertainment programme at Arulmighu Varam Tharum Mangala Mariamman, Sri Peththaranya Swamy Temple, Keezhaveli, Thethakudi South, Vedarayam Taluk, Nagapattinam District which is scheduled to be held on 10.06.2019 and adequate permission by considering the petitioner's representation dated 15.05.2019.

For Petitioner : Mr.K.M.Subramaniam

For Respondents : Mr.C.Raghavan
Government Advocate

O R D E R

Seeking permission to conduct cultural programme in the event of 'Theemidhi Tiruvizah' Festival and cultural and entertainment programme at Arulmighu Varam Tharum Mangala Mariamman, Sri Peththaranya Swamy Temple, Keezhaveli, Thethakudi

South, Vedarayam Taluk, Nagapattinam District, the petitioner made a representation dated 15.05.2019 to the respondents. As the same has not been considered, the present Criminal Original petition has been filed.

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

3. The learned Government Advocate (Criminal Side), on instructions, would submit that there is likelihood of arising law and order problem.

4. A mere apprehension cannot be a ground to reject the representation. There is absolutely no material before this Court to hold that there will be a law and order problem in the event of permission being granted. In such view of the matter, the petitioner is permitted to conduct cultural programme in the event of 'Theemidhi Tiruvizah' Festival and cultural and entertainment programme at Arulmighu Varam Tharum Mangala Mariamman, Sri Peththaranya Swamy Temple, Keezhaveli, Thethakudi South, Vedarayam Taluk, Nagapattinam District, however with the following conditions:-

(a) The cultural programme in connection with the event of 'Theemidhi Tiruvizah' Festival and cultural and entertainment programme at Arulmighu Varam Tharum Mangala Mariamman, Sri Peththaranya Swamy Temple, Keezhaveli, Thethakudi South, Vedarayam Taluk, Nagapattinam District, shall be conducted on 10.06.2019 between 06.00 p.m. and 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 so as to 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 played beyond the permitted time limit.

(i) The 3rd respondent is directed to issue necessary permission, incorporating the above conditions.

5.With the above directions, this Criminal Original Petition stands allowed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintend of Police,
Nagapattinam.
 2. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Vedaranyam,
Nagapattinam District.
 3. The Inspector of Police,
Vedaranyam Police Station,
Vedaranyam,
Nagapattinam District.
 - 4.The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.K.M.Subramaniam, Advocate sr 44753.

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GJII(CO)
SP(06/06/2019)

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