

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.19243 of 2019

V.Gunasekaran

.. Petitioner

.Vs.

1. The Superintendent of Police,
Dharmapurii,
Dharmapuri District - 635 001.

2. The Inspector of Police,
Kambainallur Police Station,
Karimangalam Taluk,
Dharmapuri District- 635 202.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to grant permission to perform the programme of 'Adal Padal' on 23.07.2019 at about 06.00 P.M to 11.00 P.M at ''Sri Maha Kaliyamman Temple Festival'' is situated at Senguttai Village, K.Ichambadi Post, Karimangalam Taluk, Dharmapuri District and to provide adequate police protection based on the petitioner's representations dated 24.06.2019.

For Petitioner : Mr.S.Mayilnathan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking for police protection and permission to perform the programme of 'Adal Padal' on 23.07.2019 at about 06.00 P.M to 11.00 P.M at ''Sri Maha Kaliyamman Temple Festival'' is situated at Senguttai Village, K.Ichambadi Post, Karimangalam Taluk, Dharmapuri District, by considering the petitioner's representation dated 24.06.2019 to the second respondent. 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 Additional Public Prosecutor appearing for the respondents.

3. The learned Additional Public Prosecutor, 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 perform the programme of ''Adal Padal'' which is scheduled to be held on 23.07.2019 in ''Sri Maha Kaliyamman Temple Festival'' is situated at Senguttai Village, K.Ichambadi Post, Karimangalam Taluk, Dharmapuri District, however with the following conditions:-

(a) The cultural programme in ''Sri Maha Kaliyamman Temple Festival'' is situated at Senguttai Village, K.Ichambadi Post, Karimangalam Taluk, Dharmapuri District, shall be conducted on 23.07.2019 between 07.00 p.m. and 10.00 p.m.

(b) The petitioner shall pay a cost of Rs.10,000/- (Rupees Ten Thousand only) to the second respondent police towards police protection.

(c) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(d) Double meaning songs should not be played so as to spoil the minds of students and youths.

(e) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(f) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(g) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(h) 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

(i) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit.

(j) The 2nd respondent is directed to issue necessary permission, incorporating the above conditions.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Dharmapurii,
Dharmapuri District - 635 001.

2. The Inspector of Police,
Kambainallur Police Station,
Karimangalam Taluk,
Dharmapuri District- 635202. .

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Mayilnathan, Advocate, SR.No.61678/19

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Kak(19/07/2019)



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