

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.19611 of 2019

Pon.Dharmadurai

... Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent 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 to conduct the 'Aadi Peruvizha' Festival and cultural and entertainment programme at Arulmigu Mazhai Mariamman Temple, Kadinelvayal, Vedaranyam Taluk, Nagapattinam District which is scheduled to be held on 31.07.2019 and adequate protection and permission by considering the petitioner's representation dated 19.07.2019.

For Petitioner : Mr.K.M.Subramanian

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

O R D E R

This petition has been filed to direct the respondents to grant permission to conduct the 'Aadi Peruvizha' Festival and cultural and entertainment programme at Arulmigu Mazhai Mariamman Temple, Kadinelvayal, Vedaranyam Taluk, Nagapattinam District which is scheduled to be held on 31.07.2019 and adequate protection and permission by considering the petitioner's representation dated 19.07.2019.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

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 conduct cultural programme in the event of 'Aadi Peruvizha' Festival and cultural and entertainment programme at Arulmigu Mazhai Mariamman Temple, Kadinelvayal, Vedaranyam Taluk, Nagapattinam District, however with the following conditions:-

(a) The cultural programme in connection with the event of 'Aadi Peruvizha' Festival and cultural and entertainment programme at Arulmigu Mazhai Mariamman Temple, Kadinelvayal, Vedaranyam Taluk, Nagapattinam District, on 31.07.2019 between 06.00 PM to 11.00 PM.

(b) The petitioner shall pay a cost of Rs.10,000/- (Rupees Ten Thousand only) to the 3rd 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 3rd 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 (CS-Insp.cell)

//True copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Office of the Superintendent 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.

+1cc to Mr.K.M.Subramanian, Advocate SR.No.62979

Cr1.O.P.No.19611 of 2019

NR (CO)
GMY (26/07/2019)

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