

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.22989 of 2019

G.Baskar

... 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,
Voimedu Police Station,
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 Vinayagar Chadurthi festival and cultural and entertainment programme at Arulmighu Vetri Vinayagar at Thingal Sandaiyadi, Ayakkaranpulam - 1 which is scheduled to be held on 02.09.2019 and adequate protection and permission by considering the petitioner's representation dated 19.08.2019.

For Petitioner : Mr.K.M.Subramaniam

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 Vinayagar Chadurthi festival and cultural and entertainment programme at Arulmighu Vetri Vinayagar at Thingal Sandaiyadi, Ayakkaranpulam - 1 which is scheduled to be held on 02.09.2019 and adequate protection and permission by considering the petitioner's representation dated 19.08.2019.

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 Vinayagar Chachurthi festival at Arulmighu Vetri Vinayagar at Thingal Sandaiyadi, Ayakkaranpulam - 1, however with the following conditions:-

(a) The celebration in connection with the event of Vinayagar Chathurthi festival at Arulmighu Vetri Vinayagar at Thingal Sandaiyadi, Ayakkaranpulam - 1, on 02.09.2019 should be conducted 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 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 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 (CS-II)

True Copy

Sub-Assistant Registrar

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,
Voimedu Police Station,
Nagapattinam District.
 - 4.The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.K.M.Subramaniam, Advocate sr 72933.

Cr1.O.P.No.22989 of 2019

VBA (CO)
SP(28/08/2019)



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