

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :06.09.2019
CORAM
THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.24161 of 2019

C.Oviyar Anand

.. Petitioner

Vs.

- 1.The Superintendent of Police,
Villupuram District,
Villupuram.
- 2.The Inspector of Police,
Katchirayapalayam Police Station,
Chinna Salem,
Vilupuram District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order made in NA.KA.No.03/TNSP/KCP/2019 dated 31.08.2019 passed by the second respondent police and to consider and give permission and police protection to conduct Thamizhar Panpattu Kalai Nikalchi (Adal Padal) program to be held on 12.09.2019 at 7.00 p.m., to 9.00 p.m., in connection with the Sri Mariyamman Temple festival at Dr.Ambedkar Nagar, Vadakkanandal Village, Chinna Salem Taluk, Villupuram District, based on the representation of the petitioner dated 31.08.2019.

For Petitioner : Mr.A.Ramesh

For Respondents : Mr.M.Mohamed Riyaz, APP

O R D E R

The petitioner seeking permission to conduct cultural programme (Thamizhar Panpattu Kalai Nikalchi) in the event of "Sri Mariyamman Temple festival" at Dr.Ambedkar Nagar, Vadakkanandal Village, Chinna Salem Taluk, Villupuram District, on 12.09.2019, made a representation dated 31.08.2019 to the respondent. By the impugned order dated 31.08.2019 in NA.KA.No.03/TNSP/KCP/2019, the same has not been considered. Hence, 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 counsel for the petitioner would submit that by the impugned order dated 31.08.2019, the respondent police

denied the permission to conduct the cultural programme and hence, this petition has been filed.

4. The learned Additional Public Prosecutor, on instructions, would submit that there is likelihood of arising law and order problem.

5. 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, this petition is allowed and the petitioner is permitted to conduct cultural programme in the event of "Sri Mariyamman Temple festival" at Dr.Ambedkar Nagar, Vadakkanandal Village, Chinna Salem Taluk, Villupuram District, on 12.09.2019 however with the following conditions:-

(a) The cultural programme in connection with the event of "Sri Mariyamman Temple festival" at Dr.Ambedkar Nagar, Vadakkanandal Village, Chinna Salem Taluk, Villupuram District, on 12.09.2019, between 06.00 p.m., to 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 respondent is directed to issue necessary permission, incorporating the above conditions.

6. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police,
Villupuram District,
Villupuram.

2.The Inspector of Police,
Katchirayapalayam Police Station,
Chinna Salem,
Vilupuram District.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.A.Ramesh Advocate sr77122

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