

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CrI.O.P.No.28124 of 2019

M.Haribaskar

...Petitioner

Vs

1.The Superintendent of Police,
Namakkal,
Namakkal District - 632 001.

2.The Inspector of Police,
Rasipuram Police Station,
Rasipuram Taluk,
Namakkal District - 637 408.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to direct the respondent to grant permission to perform the program of 'Adal Padal' on 06.11.2019 at about 06.00 P.M to 11.00 P.M at "Sri Selliamman, Sri Anjaneyar & Sri Nithya Sumangali Mariamman Temple Car Festival" is situated at West Colony Street, 1st Ward, Rasipuram Taluk, Namakkal District and to provide adequate police protection based on petitioner representations dated 15.10.2019.

For Petitioner : Mr.S.Mayilnathan

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor

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ORDER

Seeking permission to conduct cultural programme in the event of "Sri Selliamman, Sri Anjaneyar & Sri Nithya Sumangali Mariamman Temple Car Festival", the petitioner made a representation dated 15.10.2019 to the respondent. Since 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 respondent.

3. 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 Criminal Original Petition is allowed and the petitioner is permitted to conduct cultural programme, however, with the following conditions:-

(a) The cultural programme in connection with the event of "Sri Selliamman, Sri Anjaneyar & Sri Nithya Sumangali Mariamman Temple Car Festival", shall be conducted on 06.11.2019 between 06.00 PM and 11.00 PM.

(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 protection and permission, incorporating the above conditions.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police,
Namakkal,
Namakkal District - 632 001.

2.The Inspector of Police,
Rasipuram Police Station,
Rasipuram Taluk,
Namakkal District - 637 408.

3.The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.S.Mayilnathan, Advocate Sr.No. 88318

AKM/01.11.19/3P-5C /

Crl.O.P.No.28124 of 2019

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