

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 29.01.2020
CORAM
THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM
CRL.O.P.No.1750 of 2020

K.Kumaresan

... Petitioner

Vs.

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

2.The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue direction to the second respondent TO GIVE THE BANDOBUST for permission to conduct the cultural programme on 05.02.2020 in the event of Arulmigu Sri Mariamman Thirukoil at Vedarasampalayam, Pallipalayam, Namakkal - 638 008 based on the petitioner's representation dated 23.01.2020.

For Petitioner : Mr.A.Gopinath

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

ORDER

This petition has been filed to issue direction to the second respondent TO GIVE THE BANDOBUST for permission to conduct the cultural programme on 05.02.2020 in the event of Arulmigu Sri Mariamman Thirukoil at Vedarasampalayam, Pallipalayam, Namakkal - 638 008 based on the petitioner's representation dated 23.01.2020.

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 conduct cultural programme in the event of "Arulmigu Sri Mariamman Thirukoil at Vedarasampalayam, Pallipalayam, Namakkal - 638 008", however with the following conditions:-

(a) The cultural programme in connection with the event of "Arulmigu Sri Mariamman Thirukoil at Vedarasampalayam, Pallipalayam, Namakkal - 638 008" on 05.02.2020 between 06.00 P.M. to 11.00 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 second 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 IV)

//True Copy//

Sub Assistant Registrar

drl/ah

To

- 1.The Superintendent of Police,
Namakkal,
Namakkal District.
- 2.The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.R.Gopinath, Advocate sr.6968

CRL.O.P.No.1750 of 2020

ssi(co)
nr 31/01/2020

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