

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.01.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.2069 of 2020

G.Gunasekaran

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Kondalampatti Police Station,
Salem District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent authority to give police protection and permission to conduct the cultural programme (Adal Padal Nigalchi) in the event of Thammanaickanpatti Arulmigu Sree Periya Mariamman Temple Kumbabishekam Festival at Salem Taluk & District on 05.02.2020 between 06.00 PM to 11.00 PM by considering the petitioner's representation dated 27.01.2020.

For Petitioner : Mr.C.Nandhakumar

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

O R D E R

This petition has been filed to issue direction to the respondent authority to give police protection and permission to conduct the cultural programme (Adal Padal Nigalchi) in the event of Thammanaickanpatti Arulmigu Sree Periya Mariamman Temple Kumbabishekam Festival at Salem Taluk & District on 05.02.2020 between 06.00 PM to 11.00 PM by considering the petitioner's representation dated 27.01.2020.

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 "Thammanaickanpatti Arulmigu Sree Periya Mariamman Temple", situated at Salem Taluk & District, however with the following conditions:-

(a) "Thammanaickanpatti Arulmigu Sree Periya Mariamman Temple", situated at Salem Taluk & District, on 05.02.2020 from 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 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 V)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
Kondalampatti Police Station,
Salem District.

2. The Public Prosecutor,
Madras High Court,
Chennai.

+1 CC to Mr.C.Nandhakumar, advocate sr 7754.

CRL.O.P.No.2069 of 2020

JP (CO)
SP (03/02/2020)