

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.2991 of 2020

S.Durai

... Petitioner

Vs.

1. The State rep by
The Deputy Superintendent of Police,
Gingee, Villupuram District.

2. The Sub-Inspector of Police,
Kedar Police Station,
Villupuram District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order of the first respondent dated 04.02.2020 in Na.Ka.No.78/SDO-G/General/2020 and direct the respondent herein to give permission to conduct the cultural programme like dance, songs and music on 16.02.2020 for the occasion of Arulmigu Sri Muthalamman Urchava Thiruvizha at Kedar Village, Villupuram Taluk and District.

For Petitioner : Mr.G.Mageshkumar

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order of the first respondent vide in Na.Ka.No.78/SDO-G/General/2020, dated 04.02.2020 and to direct the respondent herein to give permission to conduct the cultural programme like dance, songs and music on 16.02.2020 for the occasion of Arulmigu Sri Muthalamman Urchava Thiruvizha at Kedar Village, Villupuram Taluk and District.

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 has submitted that the village people conduct the temple festival namely Arulmigu Sri Muthalamman Urchava Thiruvizha at Kedar Village,

Villupuram Taluk and District and this year they have been decided to conduct the festival for the above said temple from 14.02.2020 to 16.02.2020 and during the said festival, cultural programme also will be held and hence seeking permission, the petitioner has submitted the representation before the first respondent but the first respondent has directed the said representation by the impugned order dated 04.02.2020. He further submitted that in this said impugned order, though the first respondent has stated if the petitioner is permitted to conduct the cultural programme dated 14.02.2020 to 16.02.2020, it will create law and order problem but it is not specifically mentioned any date. Therefore, he requests to set aside the said order and permit the petition cultural programme on 16.02.2020.

4. The learned Additional Public Prosecutor has submitted that since the first respondent has issued prohibition order under Section 13(2) of Police Act, the petitioner requests for conducting cultural programme ought to have been rejected and therefore he prayed to dismiss the petition.

5. In the impugned order, the first respondent has stated that he has issued prohibition order under Section 13(2) of Police Act but he has not produced the copy of this order along with the impugned order. Further he has stated that if the petitioner is permitted to conduct cultural programme, law and order problem may arise but he has not stated any specific incident. So it appears that the reasons stated by the first respondent lagging and he has passed the said order in any casual manner and hence this Court is of the view to set aside the said order. Accordingly, the order is set aside.

6. 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 Muthalamman Urchava Thiruvizha at Kedar Village, Villupuram District, however with the following conditions:-

(a) The cultural programme in connection with the event of "Arulmigu Sri Muthalamman Urchava Thiruvizha at Kedar Village, Villupuram Taluk" shall be conducted on 16.02.2020 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 respondents 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 respondents are directed to issue necessary permission, incorporating the above conditions.

7. With the above directions, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (C.S.IV)

/True Copy/

Sub Assistant Registrar

To

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

2. The Sub-Inspector of Police,
Kedar Police Station,
Villupuram District.

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

+1 cc to M/s.G.Magesh Kumar, Advocate Sr.No.11594

AKM/14.02.2020/3P-5C /

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