

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 28.02.2020
CORAM
THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM
CRL.O.P.No.4686 of 2020

S.Anuradha Srinivasan

... Petitioner

Vs.

1. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
2. The Deputy Superintendent of Police,
Denkanikottai,
Krishnagiri District.
3. The Inspector of Police,
Denkanikottai Police Station, ,
Denkanikottai,
Krishnagiri District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the third respondent in NA.KA.No.03/Ka.Aa/De.Ka.Va/2020 dated 12.02.2020 and consequently directing the respondents to provide police protection and permission to conduct orchestra on 06.03.2020 along with Govardhanagiri Sri Varadaraya Swamy Car Festival from 05.03.2020 to 07.03.2020.

For Petitioner : Mr.R.Balaguru Swamy

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

O R D E R

This petition has been filed to set aside the order passed by the third respondent in NA.KA.No.03/Ka.Aa/De.Ka.Va/2020 dated 12.02.2020 and consequently direct the respondents to provide police protection and permission to conduct orchestra on 06.03.2020 along with Govardhanagiri Sri Varadaraya Swamy Car Festival from 05.03.2020 to 07.03.2020.

2. When this petition came up for hearing today (28.02.2020), the learned counsel for the petitioner has made an endorsement that he is restricting his prayer with regard to seeking permission for conducting Orchestra on 06.03.2020 alone.

3. The learned counsel for the petitioner has submitted that every year in the village of Anniyalam people celebrating Govardhanagiri Sri Varadaraya Swamy Car Festival without fail, likewise this year also they have decided to celebrate the car festival on 05.03.2020 and also planed to conduct Orchestra on 06.03.2020 and hence, the petitioner has submitted a representation before the third respondent on 08.02.2020 seeking permission and also protection for conducting the said car festival and also Orchestra.

4. He further submitted that the third respondent by his impugned Order dated 12.02.2020 has granted permission for conducting car festival alone, but he refused to grant permission for conducting Orchestra. He further submitted that the third respondent has not stated any valid reasons for rejecting the petitioner's request with regard to conducting Orchestra. Therefore, he prayed to set aside the order and direct the third respondent to grant permission for conducting Orchestra on 06.03.2020 in the aforesaid temple.

5. Per contra, the learned Additional Public Prosecutor has submitted that since prohibitory order was passed under Section 30(2) of the Police Act, 1861, the third respondent has rejected the petitioner's request with regard to conducting Orchestra and therefore he prayed to dismiss this petition.

6. In the impugned order, the third respondent has stated since a prohibitory order was in force under Section 30 (2) of Police Act, 1861. If the petitioner is permitted to conduct the said cultural programme, it will create law and order problem. But, he has not stated any specific incident. It appears that the third respondent has passed general order without assaining any specific reasons. Hence, the said order is set aside. The third respondent is directed to give permission for the petitioner to conduct Orchestra and also to give police protection on 06.03.2020, however with the following conditions:-

(a) The aforesaid cultural programme shall be conducted on 06.03.2020 from 06.00 p.m. to 11.00 p.m only.

(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 third respondent is directed to issue necessary permission, incorporating the above conditions.

5. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

vv

To

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

3/6

WEB COPY

2. The Deputy Superintendent of Police,
Denkanikottai,
Krishnagiri District.

3. The Inspector of Police,
Denkanikottai Police Station, ,
Denkanikottai,
Krishnagiri District.

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

+2 cc to Mr.K.David Advocate sr4052

+2 cc to Mr.R.BalaGurusamy Advocate sr4050

CRL.O.P.No.4686 of 2020

aa02/03/2020



WEB COPY