

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4996 of 2020

R.Marimuthu

.. Petitioner

Vs

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

2.The Inspector of Police,
Erode Taluk Police Station,
Erode Taluk,
Erode District - 638 002.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent authority to grant permission to perform the program of ' Adal Padal' on 04.03.2020 at about 06.00 p.m., to 11.00 p.m., at " Sri Ongaliamman Temple Festival", Pachapalli Village, Lakkapuram Post, Erode Taluk, Erode District and to provide adequate police protection based on petitioner representations dated 26.02.2020.

For Petitioner : Mr.S.Mayilnathan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

Seeking permission to conduct cultural programme in the event of Sri Ongaliamman Temple Festival", Pachapalli Village, Lakkapuram Post, Erode Taluk, the petitioner made a representation dated 26.02.2020 to the second respondent. As 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 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, this petition is allowed and the petitioner is permitted to conduct cultural programme in the event of "Sri Ongaliamman Temple Festival", Pachapalli Village, Lakkapuram Post, Erode Taluk, however with the following conditions:-

(a) The cultural programme in connection with the event of "Sri Ongaliamman Temple Festival", Pachapalli Village, Lakkapuram Post, Erode Taluk, shall be conducted on 04.03.2020 at 06.00 p.m., to 11.00 p.m.

(b) The petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) as charges, to the respondent Police and on receipt of the same, the respondents Police are directed to issue receipt and proceed further.

(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 (C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Erode Taluk Police Station,
Erode Taluk,
Erode District - 638 002.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Mayilnathan, Advocate Sr.No.18560

AKM/03.03.2020 /3P-5C/

CrI.O.P.No.4996 of 2020



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