

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.5090 of 2020

K.Sundarraaj

.. Petitioner

Vs.

State rep by

The Inspector of Police,
Mettur Police Station,
Mettur, Salem District

.. Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent authority to give police protection and permission to conduct Cultural programme (Adal Padal Nigalchi) in the event of Mettur Dam, Labour residential area Arulmigu Sree Periya Bathrakaliyamman & Periya Mariamman Temple Maasi Car Festival at Mettur Taluk, Salem District on 10.03.2020 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 28.02.2020.

For Petitioner : Mr.A.Sathishkumar

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

ORDER

Seeking permission to conduct cultural programme i.e, Adal Padal on the eve of Mettur Dam, Labour residential area Arulmigu Sree Periya Bathrakaliyamman & Periya Mariamman Temple Maasi Car Festival at Mettur Taluk, Salem District, the petitioner made a representation dated 28.02.2020 to the 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 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, this petition is allowed and the petitioner is permitted to conduct cultural programme in the event of Mettur Dam, Labour residential area Arulmigu Sree Periya Bathrakaliyamman & Periya Mariamman Temple Maasi Car Festival at Mettur Taluk, Salem District, however with the following conditions:-

(a) The cultural programme in connection with the event of Mettur Dam, Labour residential area Arulmigu Sree Periya Bathrakaliyamman & Periya Mariamman Temple Maasi Car Festival at Mettur Taluk, Salem District shall be conducted on 10.03.2020 between 06.00 p.m. and 11.00 p.m.

(b) The petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) as charges, to the respondent and on receipt of the same, the respondent is 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 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(J)

//True copy//

Sub Assistant Registrar

lok

To

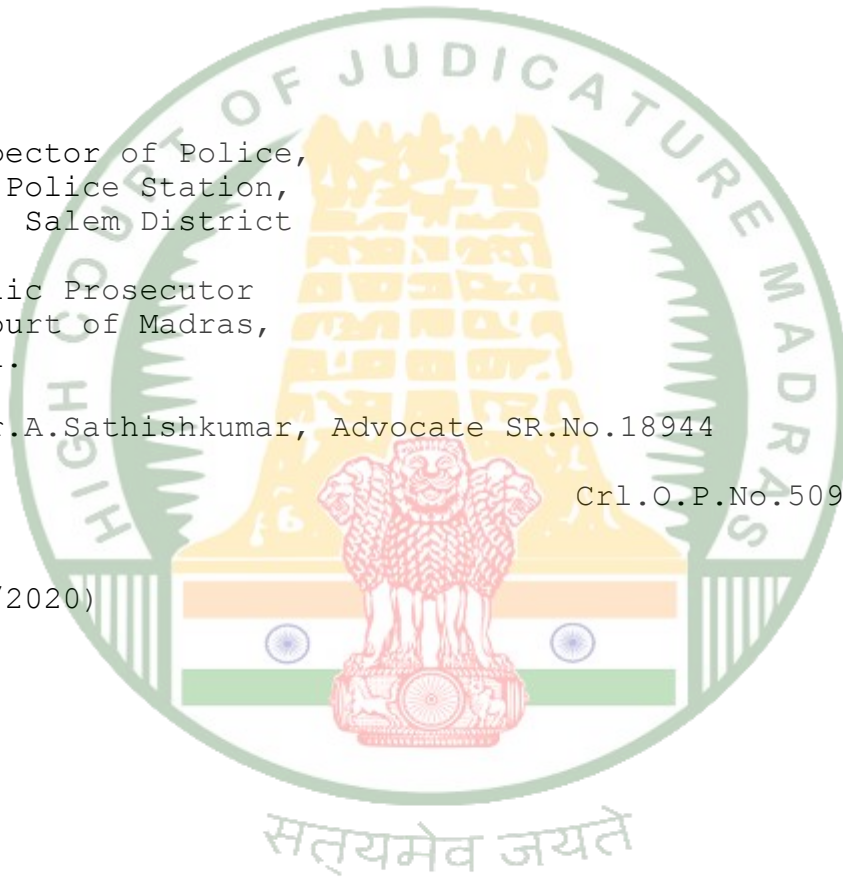
1.The Inspector of Police,
Mettur Police Station,
Mettur, Salem District

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

+1cc to Mr.A.Sathishkumar, Advocate SR.No.18944

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GMV (09/03/2020)



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