

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5640 of 2020

S.Raji .. Petitioner
Vs.

1. The Superintendent of Police,
Dharmapuri, Dharmapuri District - 636 704
2. The Inspector of Police,
Kadathur Police Station,
Pappireddipatti Taluk,
Dharmapuri District - 635 303 .. Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to grant permission to perform the program of 'Adal Padal' on 12.03.2020 at about 06.00 pm to 11.00 p.m. at "Sri Kottai Mariamman Temple festival" Osahalli Pudupatti Village, Ranimookanur Post, Kadathur via, Pappireddipatti Taluk, Dharmapuri District and to provide adequate police protection based on petitioner representations dated 08.03.2020.

For Petitioner : Mr.S.Mayilnathan
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

Seeking permission to conduct cultural programme i.e, Adal Padal on the eve of "Sri Kottai Mariamman Temple festival" Osahalli Pudupatti Village, Ranimookanur Post, Kadathur via, Pappireddipatti Taluk, Dharmapuri District, the petitioner made a representation dated 08.03.2020 to the respondents. 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 Kottai Mariamman Temple festival"" Osahalli Pudupatti Village, Ranimookanur Post, Kadathur via, Pappireddipatti Taluk, Dharmapuri District, however with the following conditions:-

(a) The cultural programme in connection with the event of ""Sri Kottai Mariamman Temple festival"" Osahalli Pudupatti Village, Ranimookanur Post, Kadathur via, Pappireddipatti Taluk, Dharmapuri District shall be conducted on 12.03.2020 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 respondents and on receipt of the same, the respondents 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 respondents are directed to issue necessary permission, incorporating the above conditions.

5. With the above directions, this Criminal Original Petition stands allowed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

lok

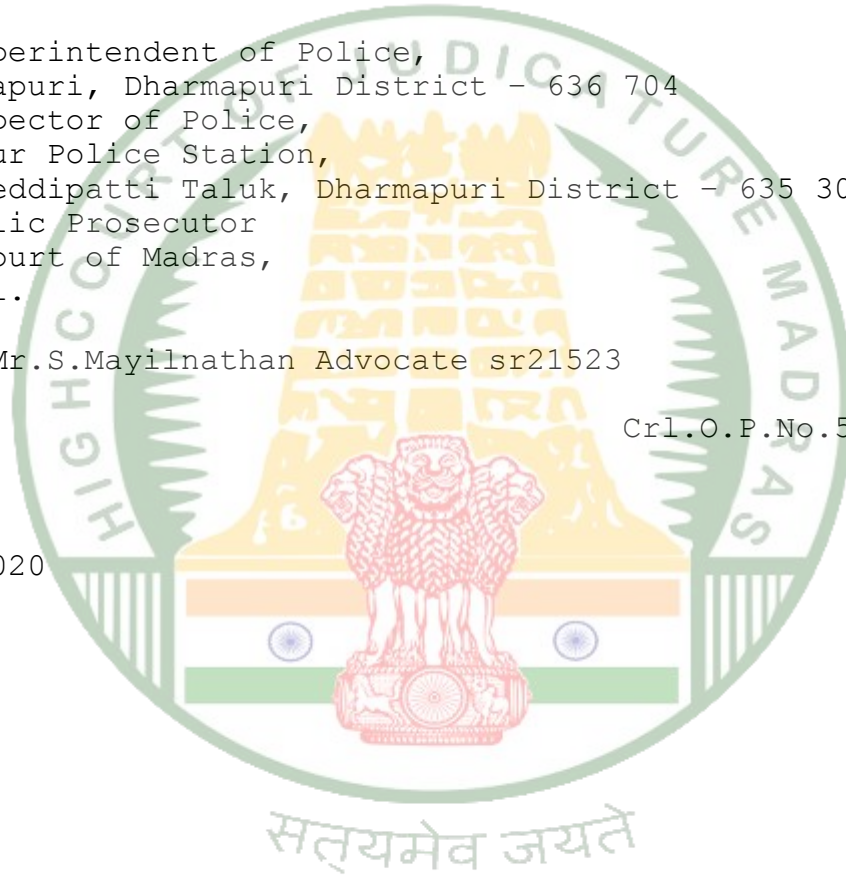
To

1. The Superintendent of Police,
Dharmapuri, Dharmapuri District - 636 704
- 2.The Inspector of Police,
Kadathur Police Station,
Pappireddipatti Taluk, Dharmapuri District - 635 303
- 3.The Public Prosecutor
High Court of Madras,
Chennai.

+1 cc to Mr.S.Mayilnathan Advocate sr21523

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