

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.3034 to 3037 of 2019

E.Rathinam

.. Petitioner in
Crl.O.P.No.3034/2019

M.Irusan

.. Petitioner in
Crl.O.P.No.3035/2019

S.Kannan

.. Petitioner in
Crl.O.P.No.3036/2019

G.Manikandan

.. Petitioner in
Crl.O.P.No.3037/2019

Vs

The Inspector of Police,
Suramangalam Police Station,
Suramangalam, Salem Dist.

...Respondent in
Crl OP.3034/19 &3035/19

The Inspector Of Police,
Irumbalai Police Station,
Irumbalai, Salem Dist.

..Respondent in Crl OP.3036/19

The Inspector of Police,
Vellore Rural Police Station,
Kaniyambadi,
Vellore District

..Respondent in Crl.O.P.3037/19

Prayer: Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, to direct the respondent authority to give police protection and permission to conduct Cultural Programme (Gramiya Adal Padal Nigalchi) in the event of (i) Sithanur Arulmigu Sree Periya Mariamman Temple Festival at Salem Taluk & District on 09.02.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated

28.01.2019 (ii) Uthukinaru (Mamangam) Arulmigu Sree Rettipatti Mariamman Temple Festival at Salem Taluk & District on 09.02.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 28.01.2019 (iii) Irumbalai, Kamaraj Nagar Arulmigu Sree Mariamman Temple Festival at Salem Taluk & District on 08.02.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 28.01.2019 (iv) Kammasamuthiram Village Arulmigu Sree Manjiyamman Temple Festival at Vellore Taluk & District on 09.02.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 25.01.2019.

For Petitioner : Mr.A.Sathishkumar

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

O R D E R

Seeking permission to conduct cultural programmes in the event of (i) Sithanur Arulmigu Sree Periya Mariamman Temple Festival at Salem Taluk & District on 09.02.2019 between 06.00 p.m to 11.00 p.m (ii) Uthukinaru (Mamangam) Arulmigu Sree Rettipatti Mariamman Temple Festival at Salem Taluk & District on 09.02.2019 between 06.00 p.m to 11.00 p.m (iii) Irumbalai, Kamaraj Nagar Arulmigu Sree Mariamman Temple Festival at Salem Taluk & District on 08.02.2019 between 06.00 p.m to 11.00 p.m (iv) Kammasamuthiram Village Arulmigu Sree Manjiyamman Temple Festival at Vellore Taluk & District on 09.02.2019 between 06.00 p.m to 11.00 p.m, the petitioners made representations dated 28.01.2019 & 25.01.2019 respectively to the respondent. As the same has not been considered, the present Criminal Original petition have been filed.

2. Heard the learned counsel appearing for the petitioners 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, the petitioners are permitted to conduct cultural programme in

the event of (i) Sithanur Arulmigu Sree Periya Mariamman Temple Festival at Salem Taluk & District on 09.02.2019 between 06.00 p.m to 11.00 p.m (ii) Uthukinaru (Mamangam) Arulmigu Sree Rettipatti Mariamman Temple Festival at Salem Taluk & District on 09.02.2019 between 06.00 p.m to 11.00 p.m (iii) Irumbalai, Kamaraj Nagar Arulmigu Sree Mariamman Temple Festival at Salem Taluk & District on 08.02.2019 between 06.00 p.m to 11.00 p.m (iv) Kammasamuthiram Village Arulmigu Sree Manjiyamman Temple Festival at Vellore Taluk & District on 09.02.2019 between 06.00 p.m to 11.00 p.m however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Sithanur Arulmigu Sree Periya Mariamman Temple Festival at Salem Taluk & District on 09.02.2019 (ii) Uthukinaru (Mamangam) Arulmigu Sree Rettipatti Mariamman Temple Festival at Salem Taluk & District on 09.02.2019 (iii) Irumbalai, Kamaraj Nagar Arulmigu Sree Mariamman Temple Festival at Salem Taluk & District on 08.02.2019 (iv) Kammasamuthiram Village Arulmigu Sree Manjiyamman Temple Festival at Vellore Taluk & District on 09.02.2019 shall be conducted between 06.00 p.m. and 11.00 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(c) Double meaning songs should not be played so as to spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The functions shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) 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

(h) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit.

(i) The respondent is directed to issue necessary permission, incorporating the above conditions.

5. Accordingly, these Criminal Original Petitions are disposed of.

lpp/jas

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Suramangalam Police Station,
Suramangalam,
Salem District.
2. The Inspector of Police,
Irumbalai Police Station
Irumbalai, Salem District.
3. The Inspector of Police,
Vellore Rural Police Station,
Kaniyambadi,Vellore Dist.
4. The Public Prosecutor,
High Court, Madras.

+4c to Mr.S.Sathish Kumar,
Advocate, S.R.No.10919,10920,10921 & 10922

Cr1.O.P.Nos.3034 to 3037 of 2019

RSY(CO)
KAK(07/02/2019)