

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.02.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.3595, 3597, 3598 & 3599 of 2019

M.Manokaran .. Petitioner in Crl.O.P.No.3595/2019
R.Sankar .. Petitioner in Crl.O.P.No.3597/2019
M.R.Vekatesh .. Petitioner in Crl.O.P.No.3598/2019
P.Kaliyamoorthi .. Petitioner in Crl.O.P.No.3599/2019

Vs

State represented by
The Inspector of Police,
Karuppur Police Station,
Karuppur,
Salem District. ... Respondent in
Crl.O.P.No.3595/2019

State represented by
The Inspector of Police,
Marakkanam Police Station,
Marakkanam,
Villupuram District. ... Respondent in
Crl.O.P.No.3597/2019

State represented by
The Inspector of Police,
Kandhikuppam Police Station,
Kandhikuppam,
Krishnagiri District. ... Respondent in
Crl.O.P.No.3598/2019

State represented by
The Inspector of Police,
Yethapur Police Station,
Yethapur,
Salem District. . Respondent in
Crl.O.P.No.3599/2019

Common 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 (Adal Padal Nigalchi) in the event of (i) Pamankaradu Arulmigu Sree Sembu Mariamman Temple Festival at Vellakkalpatti Village, Omalur Taluk, Salem District on 14.02.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation

dated 06.02.2019 (ii) Kunimedu Kuppam Arulmigu Sree Yellaiamman Temple Festival at Tindivanam Taluk, Villupuram District on 19.02.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 06.02.2019 (iii) Chinna Mattarapalli Arulmigu Sree Rajilumalai Govindaraj Temple Festival at Bargur Taluk, Krishnagiri District on 23.02.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 01.02.2019 (iv) Vellalapatti Village Arulmigu Sree Sakthi Mariamman & Madurai Veeran Temple Festival at P.N.Palayam Taluk, Salem District on 20.02.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 06.02.2019.

For Petitioners : Mr.A.Sathishkumar
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

C O M M O N O R D E R

Seeking permission to conduct cultural programmes in the event of (i) Vellakkalpatti Village Pamankaradu Arulmigu Sree Sembu Mariamman Temple Festival at Omalur Taluk, Salem District on 14.02.2019 (ii) Kunimedu Kuppam Arulmigu Sree Yellaiamman Temple Festival at Tindivanam Taluk, Villupuram District on 19.02.2019 (iii) Chinna Mattarapalli Arulmigu Sree Rajilumalai Govindaraj Temple Festival at Bargur Taluk, Krishnagiri District on 23.02.2019 (iv) Vellalapatti Village Arulmigu Sree Sakthi Mariamman & Madurai Veeran Temple Festival at P.N.Palayam Taluk, Salem District on 20.02.2019, the petitioners made representations dated 06.02.2019 & 01.02.2019 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 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, these petitions are allowed and the petitioners are permitted to conduct cultural programme in the event of (i) Vellakkalpatti Village Pamankaradu Arulmigu Sree Sembu Mariamman Temple Festival at Omalur Taluk, Salem District on 14.02.2019 (ii) Kunimedu Kuppam Arulmigu Sree Yellaiamman Temple Festival at Tindivanam

Taluk, Villupuram District on 19.02.2019 (iii) Chinna Mattarapalli Arulmigu Sree Rajilumalai Govindaraj Temple Festival at Bargur Taluk, Krishnagiri District on 23.02.2019 (iv) Vellalapatti Village Arulmigu Sree Sakthi Mariamman & Madurai Veeran Temple Festival at P.N.Palayam Taluk, Salem District on 20.02.2019, however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Vellakkalpatti Village Pamankaradu Arulmigu Sree Sembu Mariamman Temple Festival at Omalur Taluk, Salem District on 14.02.2019 (ii) Kunimedu Kuppam Arulmigu Sree Yellaiaimman Temple Festival at Tindivanam Taluk, Villupuram District on 19.02.2019 (iii) Chinna Mattarapalli Arulmigu Sree Rajilumalai Govindaraj Temple Festival at Bargur Taluk, Krishnagiri District on 23.02.2019 (iv) Vellalapatti Village Arulmigu Sree Sakthi Mariamman & Madurai Veeran Temple Festival at P.N.Palayam Taluk, Salem District 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.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mpa/lpp

To

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

2.The Inspector of Police,
Marakkanam Police Station,
Marakkanam,
Villupuram District.

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

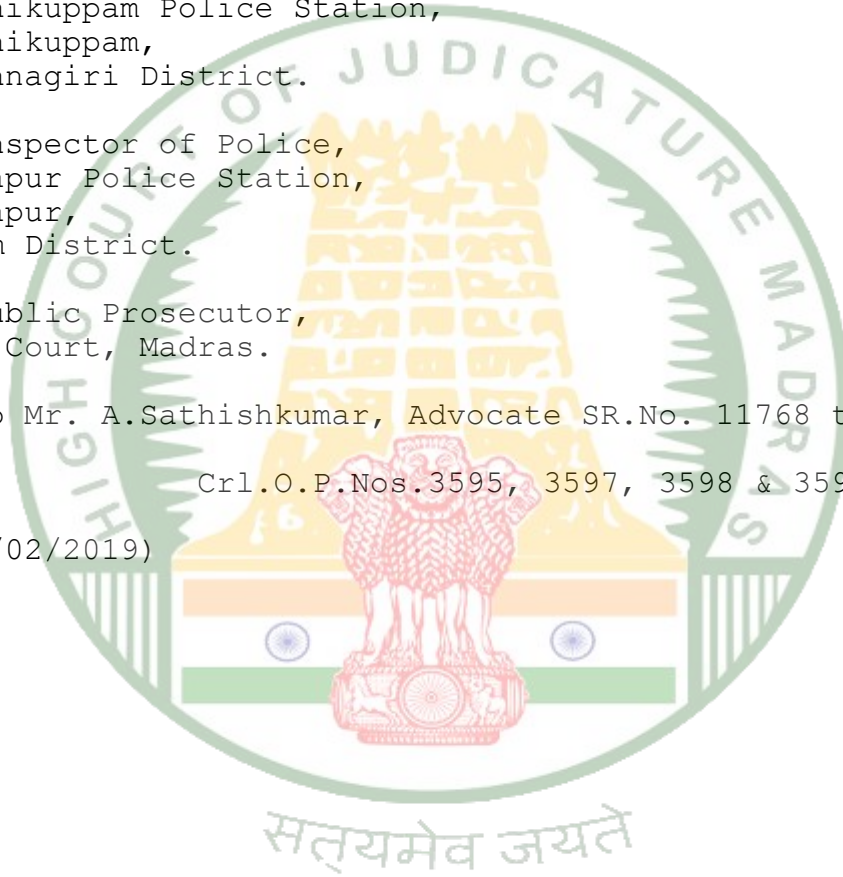
4.The Inspector of Police,
Yethapur Police Station,
Yethapur,
Salem District.

5.The Public Prosecutor,
High Court, Madras.

+4ccs to Mr. A.Sathishkumar, Advocate SR.No. 11768 to 11771

CrI.O.P.Nos.3595, 3597, 3598 & 3599 of 2019

A.SK(12/02/2019)



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