

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

Crl.O.P.Nos.3604 to 3606 of 2019

N.Mohanasundaram

.. Petitioner in
Crl.O.P.No.3604/2019

K.Nandhakumar

.. Petitioner in
Crl.O.P.No.3605/2019

M.Kumaravel

.. Petitioner in
Crl.O.P.No.3606/2019

Vs

The Inspector of Police,
Kodumudi Police Station,
Kodumudi Taluk,
Erode District.

.. Respondent in
Crl.O.P.No.3604/2019

The Inspector of Police,
Panamadangi Police Station,
Panamadangi,
Vellore District.

.. Respondent in
Crl.O.P.No.3605/2019

The Inspector of Police,
Tiruchengode Town Police Station,
Tiruchengode,
Namakkal District.

.. Respondent in
Crl.O.P.No.3606/2019

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) Ichipalayam Village, Karattampalayam Arulmigu Sree Suyambu Periyakandiamman Temple Festival at Kodumudi Taluk, Erode District on 04.03.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 05.02.2019 (ii) Gengasanikuppam Arulmigu Sree Nagalamman Temple Festival at Katpadi Taluk, Vellore District on 02.03.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation

dated 06.02.2019 (iii) Karattupalayam Arulmigu Sree Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 01.03.2019 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

O R D E R

Seeking permission to conduct cultural programmes in the event of (i) Ichipalayam Village, Karattampalayam Arulmigu Sree Suyambu Periyakandiamman Temple Festival at Kodumudi Taluk, Erode District on 04.03.2019 (ii) Gengasanikuppam Arulmigu Sree Nagalamman Temple Festival at Katpadi Taluk, Vellore District on 02.03.2019 (iii) Karattupalayam Arulmigu Sree Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 01.03.2019, the petitioners made representations dated 05.02.2019 & 06.02.2019 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) Ichipalayam Village, Karattampalayam Arulmigu Sree Suyambu Periyakandiamman Temple Festival at Kodumudi Taluk, Erode District on 04.03.2019 (ii) Gengasanikuppam Arulmigu Sree Nagalamman Temple Festival at Katpadi Taluk, Vellore District on 02.03.2019 (iii) Karattupalayam Arulmigu Sree Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 01.03.2019, however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Ichipalayam Village, Karattampalayam Arulmigu Sree Suyambu Periyakandiamman Temple Festival at Kodumudi Taluk, Erode District on 04.03.2019 (ii) Gengasanikuppam Arulmigu Sree Nagalamman Temple Festival at Katpadi Taluk, Vellore District on 02.03.2019 (iii) Karattupalayam Arulmigu Sree Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 01.03.2019

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.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Kodumudi Police Station,
Kodumudi Taluk,
Erode District.

2.The Inspector of Police,
Panamadangi Police Station,
Panamadangi,
Vellore District.

3.The Inspector of Police,
Tiruchengode Town Police Station,
Tiruchengode,
Namakkal District.

4.The Public Prosecutor,
High Court, Madras.

+3cc to Mr.A.Sathishkumar, Advocate, S.R.No.11772 to 11774

Cr1.O.P.Nos.3604 to 3606 of 2019

GJII(CO)

GSP(20/02/2019)