

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.3881 to 3884 and 3886 of 2019

S.Durairaj .. Petitioner in Crl.O.P.No.3881/2019

S.Boopathiraja .. Petitioner in Crl.O.P.No.3882/2019

P.Mariappan .. Petitioner in Crl.O.P.No.3883/2019

K.Sekar .. Petitioner in Crl.O.P.No.3884/2019

M.Arumugam .. Petitioner in Crl.O.P.No.3886/2019

Vs

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

.. Respondent in
Crl.O.P.No.3881/2019

The Inspector of Police,
Thiruchengode Rural Police Station,
Karattupalayam,
Namakkal District.

.. Respondent in
Crl.O.P.No.3882/2019

The Inspector of Police,
Paramathi Police Station,
Paramathi, Namakkal District.

.. Respondent in
Crl.O.P.No.3883/2019

The Inspector of Police,
Vennandur Police Station,
Vennandur, Namakkal District.

.. Respondent in
Crl.O.P.No.3884/2019

The Inspector of Police,
Nallur Police Station,
Nallur,
Namakkal District.

.. Respondent in
Crl.O.P.No.3886/2019

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) Chinnakesakuppam Village Arulmigu Sree Valli Malai Murugan Temple Festival at Katpadi Taluk, Vellore District on 16.02.2019 between 6.00 p.m. to 11.00 p.m (ii) Animoor Village Arulmigu Sree Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 21.02.2019 between 6.00 p.m. to 11.00 p.m. (iii) Keelakadai Village Arulmigu Sree Kongalamman Temple Festival at Paramathi Velur Taluk, Namakkal District on 21.02.2019 between 6.00 p.m. to 11.00 p.m. (iv) A.Ayipalayam Village, Shastri Nagar Arulmigu Sree Kaliyamman Temple Festival at Rasipuram Taluk, Namakkal District on 21.02.2019 between 6.00 p.m. to 11.00 p.m and (v) Karundevampalayam Village Arulmigu Sree Mariamman & Maduraiveran Temple Festival at Paramathi Velur Taluk, Namakkal District on 22.02.2019 between 6.00 p.m. to 11.00 p.m, by considering the petitioner's representation dated 24.01.2019, 07.02.2019, 09.02.2019, 09.02.2019 and 09.02.2019 respectively to the respondent.

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) Chinnakesakuppam Village Arulmigu Sree Valli Malai Murugan Temple Festival at Katpadi Taluk, Vellore District on 16.02.2019 between 6.00 p.m. to 11.00 p.m (ii) Animoor Village Arulmigu Sree Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 21.02.2019 between 6.00 p.m. to 11.00 p.m. (iii) Keelakadai Village Arulmigu Sree Kongalamman Temple Festival at Paramathi Velur Taluk, Namakkal District on 21.02.2019 between 6.00 p.m. to 11.00 p.m. (iv) A.Ayipalayam Village, Shastri Nagar Arulmigu Sree Kaliyamman Temple Festival at Rasipuram Taluk, Namakkal District on 21.02.2019 between 6.00 p.m. to 11.00 p.m and (v) Karundevampalayam Village Arulmigu Sree Mariamman & Maduraiveran Temple Festival at Paramathi Velur Taluk, Namakkal District on 22.02.2019 between 6.00 p.m. to 11.00 p.m, the petitioners made representations dated 24.01.2019, 07.02.2019, 09.02.2019, 09.02.2019 and 09.02.2019 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 representations. 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) Chinnakesakuppam Village Arulmigu Sree Valli Malai Murugan Temple Festival at Katpadi Taluk, Vellore District on 16.02.2019 between 6.00 p.m. to 11.00 p.m (ii) Animoor Village Arulmigu Sree Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 21.02.2019 between 6.00 p.m. to 11.00 p.m. (iii) Keelakadai Village Arulmigu Sree Kongalamman Temple Festival at Paramathi Velur Taluk, Namakkal District on 21.02.2019 between 6.00 p.m. to 11.00 p.m. (iv) A.Ayipalayam Village, Shastri Nagar Arulmigu Sree Kaliyamman Temple Festival at Rasipuram Taluk, Namakkal District on 21.02.2019 between 6.00 p.m. to 11.00 p.m. and (v) Karundevampalayam Village Arulmigu Sree Mariamman & Maduraiveran Temple Festival at Paramathi Velur Taluk, Namakkal District on 22.02.2019 between 6.00 p.m. to 11.00 p.m, however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Chinnakesakuppam Village Arulmigu Sree Valli Malai Murugan Temple Festival at Katpadi Taluk, Vellore District on 16.02.2019 (ii) Animoor Village Arulmigu Sree Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 21.02.2019 (iii) Keelakadai Village Arulmigu Sree Kongalamman Temple Festival at Paramathi Velur Taluk, Namakkal District on 21.02.2019 (iv) A.Ayipalayam Village, Shastri Nagar Arulmigu Sree Kaliyamman Temple Festival at Rasipuram Taluk, Namakkal District on 21.02.2019 and (v) Karundevampalayam Village Arulmigu Sree Mariamman & Maduraiveran Temple Festival at Paramathi Velur Taluk, Namakkal District on 22.02.2019, shall be conducted between 06.00 p.m. and 10.00 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

lpp/mpa

To

1.The Inspector of Police,
Melpadi Police Station,
Melpadi,
Vellore District.

2.The Inspector of Police,
Thiruchengode Rural Police Station,
Karattupalayam,
Namakkal District.

3.The Inspector of Police,
Paramathi Police Station,
Paramathi, Namakkal District.

4.The Inspector of Police,
Vennandur Police Station,
Vennandur, Namakkal District.

5.The Inspector of Police,
Nallur Police Station,
Nallur,
Namakkal District.

6.The Public Prosecutor,
High Court, Madras.

+five ccs to Mr.A.Sathishkumar, Advocate, S.R.No.13075 to 13079

Crl.O.P.Nos.3881 to 3884
and 3886 of 2019

RSK(CO)
SSM(14/02/2019)



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