

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.02.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.4521, 4522 & 4524 of 2019

S.Sivasankaran

.. Petitioner
in Crl.O.P.No.4521/2019

M.Sabinthraj

.. Petitioner
in Crl.O.P.No.4522/2019

P.Manikandan

.. Petitioner
in Crl.O.P.No.4524/2019

Vs

The Inspector of Police,
Sivagiri Police Station,
Sivagiri,
Erode District.

.. Respondent in
Crl.O.P.No.4521/2019

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

Respondent in
Crl.O.P.No.4522/2019

The Inspector of Police,
Attayampatti Police Station,
Attayampatti,
Salem District.

.. Respondent in
Crl.O.P.No.4524/2019

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) Thalayanallur, Ammankovil Arulmigu Sree Ponkalamman Temple Festival at Kodumudi Taluk, Erode District on 27.03.2019 by considering the petitioner's representation dated 15.02.2019 before 6.00 P.M to 11.00 P.M (ii) Padamudipalayam Arulmighu Sree Mariamman Temple Festival at Paramathi Velur Taluk, Namakkal District on 03.04.2019 before 6.00 P.M to 11.00 P.M by considering the petitioner's representation dated 15.02.2019 (iii) Ariyanur Arulmigu Sree Maha Sakthi Mariamman Temple Festival at Verapandi Taluk, Salem District on 06.04.2019 by considering the petitioner's representation dated 15.02.2019

before 6.00 P.M to 11.00 P.M.

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) Thalayanallur, Ammankovil Arulmigu Sree Ponkaliasman Temple Festival at Kodumudi Taluk, Erode District on 27.03.2019 (ii) Padamudipalayam Arulmighu Sree Mariamman Temple Festival at Paramathi Velur Taluk, Namakkal District on 03.04.2019 (iii) Ariyanur Arulmigu Sree Maha Sakthi Mariamman Temple Festival at Verapandi Taluk, Salem District on 06.04.2019, the petitioners made representation dated 15.02.2019 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) Thalayanallur, Ammankovil Arulmigu Sree Ponkaliasman Temple Festival at Kodumudi Taluk, Erode District on 27.03.2019 (ii) Padamudipalayam Arulmighu Sree Mariamman Temple Festival at Paramathi Velur Taluk, Namakkal District on 03.04.2019 (iii) Ariyanur Arulmigu Sree Maha Sakthi Mariamman Temple Festival at Verapandi Taluk, Salem District on 06.04.2019, however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Thalayanallur, Ammankovil Arulmigu Sree Ponkaliasman Temple Festival at Kodumudi Taluk, Erode District on 27.03.2019 (ii) Padamudipalayam Arulmighu Sree Mariamman Temple Festival at Paramathi Velur Taluk, Namakkal District on 03.04.2019 (iii) Ariyanur Arulmigu Sree Maha Sakthi Mariamman Temple Festival at Verapandi Taluk, Salem District on 06.04.2019, 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.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

lpp/ssr
To

1.The Inspector of Police,
Sivagiri Police Station,
Sivagiri, Erode District.

2.The Inspector of Police,
Velur Police Station,
Velur, Namakkal District.

3.The Inspector of Police,
Attayampatti Police Station,
Attayampatti, Salem District.

4.The Public Prosecutor,
High Court, Madras.

+3cc to Mr. A.Sathish Kumar, Advocate, S.R.No. 15674, 15675, 15676

Cr1.O.P.Nos.4521, 4522 & 4524 of 2019

KJ(CO)
GN(26/02/2019)