

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 26.02.2019  
CORAM  
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.5113, 5114, 5116, 5118 & 5119 of 2019

D.Sundararajan

.. Petitioner  
in Crl.O.P.No.5113/2019

R.Sengaottaiyan

.. Petitioner  
in Crl.O.P.No.5114/2019

S.Dinesh

.. Petitioner  
in Crl.O.P.No.5116/2019

A.Chinnarajan

.. Petitioner in  
Crl.O.P.No.5118/2019

V.Murugan

.. Petitioner in  
Crl.O.P.No.5119/2019

Vs

State represented by,  
The Inspector of Police,  
Namagiripettai Police Station,  
Namagiripettai,  
Namakkal District.

.. Respondent in  
Crl.O.P.No.5113/2019

State represented by,  
The Inspector of Police,  
Pallipalayam Police Station,  
Pallipalayam,  
Namakkal District.

.. Respondent in  
Crl.O.P.No.5114/2019

State represented by,  
The Inspector of Police,  
Kondalampatti Police Station,  
Kondalampatti,  
Salem District.

.. Respondent in Crl.O.P.No.5116/2019

The Inspector of Police,  
Suramangalam Police Station,  
Suramangalam,  
Salem District

Respondent in CrI.O.P.No.5118/2019

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

.. Respondent in  
CrI.O.P.No.5119/2019

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) Vellakalpatti Village Arulmigu Sree Mariamman Temple festival at Rasipuram Taluk, Namakkal District, on 06.03.2019 between 6.00 P.M to 11.P.M by considering the petitioner's representation dated 20.02.2019 (ii) Patharai Arulmigu Sree Mariamman Temple Festival at Kumarapalayam Taluk, Namakkal District on 06.03.2019 between 6.00 P.M to 11.P.M by considering the petitioner's representation dated 20.02.2019 (iii) Pillaiyar Nagar, Karattur Arulmigu Devi Sree Maha Muthu Mariamman & Raja Ganapathi Temple festival at Salem Taluk & District on 09.03.2019 between 6.00 P.M to 11.P.M by considering the petitioner's representation dated 20.02.2019 (iv) Selathampatti Arulmigu Sree Mariamman Temple festival at Salem Taluk & District on 09.03.2019 between 6.00 P.M to 11.P.M by considering the petitioner's representation dated 20.02.2019 (v) Valiyur Kottaiy Arulmigu Sree Sakthi Mariamman Temple festival at Mettur Taluk, Salem District on 13.03.2019 between 6.00 P.M to 11.P.M by considering the petitioner's representation dated 20.02.2019.

For Petitioners : Mr.A.Sathishkumar  
in all CrI.Ops

For Respondents : Mr.M.Mohamed Riyaz  
in all CrI.Ops 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) Vellakalpatti Village Arulmigu Sree Mariamman Temple festival at Rasipuram Taluk, Namakkal District, on 06.03.2019 (ii) Patharai Arulmigu Sree Mariamman Temple

Festival at Kumarapalayam Taluk, Namakkal District on 06.03.2019 (iii) Pillaiyar Nagar, Karattur Arulmigu Devi Sree Maha Muthu Mariamman & Raja Ganapathi Temple festival at Salem Taluk & District on 09.03.2019, (iv) Selathampatti Arulmigu Sree Mariamman Temple festival at Salem Taluk & District on 09.03.2019 (v) Valiyur Kottaiy Arulmigu Sree Sakthi Mariamman Temple festival at Mettur Taluk, Salem District on 13.03.2019 the petitioners made representation dated 20.02.2019 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) Vellakalpatti Village Arulmigu Sree Mariamman Temple festival at Rasipuram Taluk, Namakkal District, on 06.03.2019 (ii) Patharai Arulmigu Sree Mariamman Temple Festival at Kumarapalayam Taluk, Namakkal District on 06.03.2019 (iii) Pillaiyar Nagar, Karattur Arulmigu Devi Sree Maha Muthu Mariamman & Raja Ganapathi Temple festival at Salem Taluk & District on 09.03.2019, (iv) Selathampatti Arulmigu Sree Mariamman Temple festival at Salem Taluk & District on 09.03.2019 (v) Valiyur Kottaiy Arulmigu Sree Sakthi Mariamman Temple festival at Mettur Taluk, Salem District on 13.03.2019 however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Vellakalpatti Village Arulmigu Sree Mariamman Temple festival at Rasipuram Taluk, Namakkal District, on 06.03.2019 (ii) Patharai Arulmigu Sree Mariamman Temple Festival at Kumarapalayam Taluk, Namakkal District on 06.03.2019 (iii) Pillaiyar Nagar, Karattur Arulmigu Devi Sree Maha Muthu Mariamman & Raja Ganapathi Temple festival at Salem Taluk & District on 09.03.2019, (iv) Selathampatti Arulmigu Sree Mariamman Temple festival at Salem Taluk & District on 09.03.2019 (v) Valiyur Kottaiy Arulmigu Sree Sakthi Mariamman Temple festival at Mettur Taluk, Salem District on 13.03.2019 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-VI)

//True Copy//

Sub Assistant Registrar

mpa/lpp

To

1.The Inspector of Police,  
Namagiripettai Police Station,  
Namagiripettai,  
Namakkal District.

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

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

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

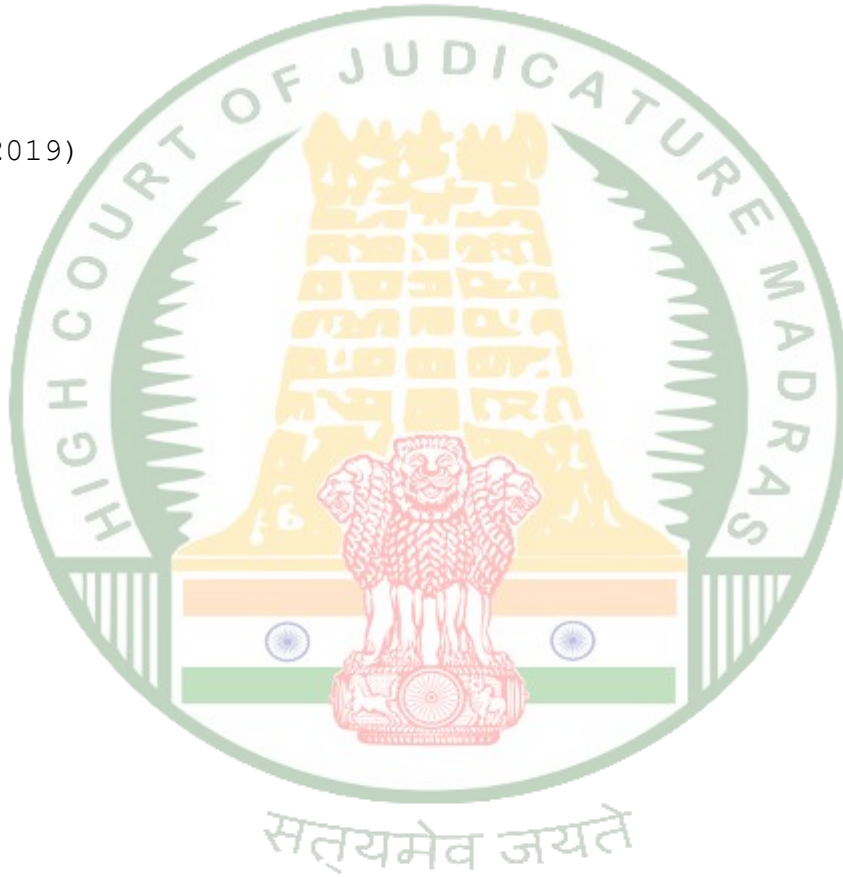
5.The Inspector of Police,  
Mecheri Police Station,  
Mecheri, Salem District.

6.The Public Prosecutor,  
High Court, Madras.

+5cc to Mr.A.Sathish Kumar, Advocate, S.R.No. 17684, 17595,  
17592, 17593 &17594

CrI.O.P.Nos.5113, 5114, 5116,  
5118 & 5119 of 2019

NMI (CO)  
GN(01/03/2019)



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