

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2019

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.5090, 5092, 5093, 5096 & 5100 of 2019

T.Eswaramoorthi

..Petitioner in
Crl.O.P.No.5090/2019

K.Raja

..Petitioner in
Crl.O.P.No.5092/2019

K.Murugan

..Petitioner in
Crl.O.P.No.5093/2019

G.Pachamuthu

..Petitioner in
Crl.O.P.No.5096/2019

S.Sasikumar

....Petitioner in
Crl.O.P.No.5100/2019

Vs

The Inspector of Police,
Avinasipalayam Police Station,
Avinasipalayam,
Tiruppur District.

...Respondent in
Crl.O.P.No.5090/2019

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

.. Respondent in
Crl.O.P.No.5092/2019

The Inspector of Police,
Namakkal Police Station,
Namakkal Taluk & District.

.. Respondent in
Crl.O.P.No.5093/2019

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

..Respondent in
Crl.O.P.No.5096/2019

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

.. Respondent in
Crl.O.P.No.5100/2019

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) Velliyampalayam Arulmigu Sree Makaliyamman Temple festival at Tiruppur Taluk & District, on 07.03.2019 by considering the petitioner's representation dated 20.02.2019 (ii) Thottipalayam Arulmigu Sree Sovipalayathu Mariamman Temple Festival at Bhavani Taluk, Erode District on 08.03.2019 by considering the petitioner's representation dated 20.02.2019 (iii) N.Kosavampatti Arulmigu Sree Varadharaja Perumal Temple festival at Namakkal Taluk & District on 09.03.2019 by considering the petitioner's representation dated 18.02.2019 (iv) O.Pachudayampalayam Arulmigu Sree Selvamuthu Mariamman Temple festival at Rasipuram Taluk, Namakkal District on 09.04.2019 by considering the petitioner's representation dated 20.02.2019 (v) Melagoundampalayam Arulmigu Sree Kaliyamman Temple festival at Erode Taluk & District on 13.03.2019 by considering the petitioner's representation dated 20.02.2019.

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) Velliyampalayam Arulmigu Sree Makaliyamman Temple festival at Tiruppur Taluk & District, on 07.03.2019 (ii) Thottipalayam Arulmigu Sree Sovipalayathu Mariamman Temple Festival at Bhavani Taluk, Erode District on 08.03.2019 (iii) N.Kosavampatti Arulmigu Sree Varadharaja Perumal Temple festival at Namakkal Taluk & District on 09.03.2019, (iv) O.Pachudayampalayam Arulmigu Sree Selvamuthu Mariamman Temple festival at Rasipuram Taluk, Namakkal District on 09.04.2019 (v) Melagoundampalayam Arulmigu Sree Kaliyamman Temple festival at Erode Taluk & District on 13.03.2019 the petitioners made representation dated 18.02.2019 & 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) Velliyampalayam Arulmigu Sree Makaliyamman Temple festival at Tiruppur Taluk & District, on 07.03.2019 (ii) Thottipalayam Arulmigu Sree Sovipalayathu Mariamman Temple Festival at Bhavani Taluk, Erode District on 08.03.2019 (iii) N.Kosavampatti Arulmigu Sree Varadharaja Perumal Temple festival at Namakkal Taluk & District on 09.03.2019, (iv) O.Pachudayampalayam Arulmigu Sree Selvamuthu Mariamman Temple festival at Rasipuram Taluk, Namakkal District on 09.04.2019 (v) Melagoundampalayam Arulmigu Sree Kaliyamman Temple festival at Erode Taluk & District on 13.03.2019 however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Velliyampalayam Arulmigu Sree Makaliyamman Temple festival at Tiruppur Taluk & District, on 07.03.2019 (ii) Thottipalayam Arulmigu Sree Sovipalayathu Mariamman Temple Festival at Bhavani Taluk, Erode District on 08.03.2019 (iii) N.Kosavampatti Arulmigu Sree Varadharaja Perumal Temple festival at Namakkal Taluk & District on 09.03.2019, (iv) O.Pachudayampalayam Arulmigu Sree Selvamuthu Mariamman Temple festival at Rasipuram Taluk, Namakkal District on 09.04.2019 (v) Melagoundampalayam Arulmigu Sree Kaliyamman Temple festival at Erode Taluk & 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.

mpa/lpp

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Avinasipalayam Police Station,
Avinasipalayam,
Tiruppur District.

2.The Inspector of Police,
Ammappettai Police Station,
Ammappettai,
Erode District.

3.The Inspector of Police,
Namakkal Police Station,
Namakkal Taluk & District.

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

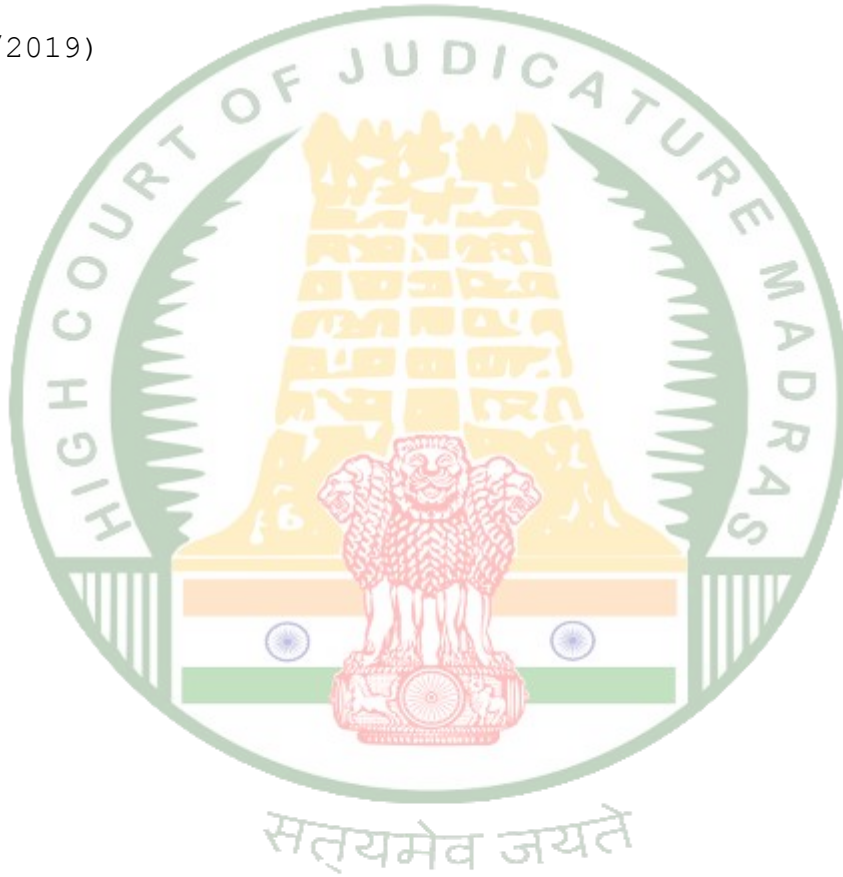
5.The Inspector of Police,
Erode Taluk Police Station,
Rangampalayam, Erode District.

6.The Public Prosecutor,
High Court, Madras.

+5 CCs to Mr.A.Sathish Kumar, Advocate,
SR.Nos.17587 to 17591/19

CrI.O.P.Nos.5090, 5092, 5093,
5096 & 5100 of 2019

ssd(CO)
kak(01/03/2019)



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