

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.02.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.5353,5358,5359,5360 of 2019

P.Muniappa Goundar .. Petitioner in Crl.O.P.No.5353/2019
S.Vignesh .. Petitioner in Crl.O.P.No.5358/2019
R.Duraisamy .. Petitioner in Crl.O.P.No.5359/2019
S.Palani .. Petitioner in Crl.O.P.No.5365/2019

Vs

1.The Superintendent of Police,
Erode,
Erode District.
2.The Inspector of Police,
Bhavani Police Station,
Erode District.
.. Respondent in Crl.O.P.No.5353/2019

1.The Superintendent of Police,
Salem,
Salem District.
2.The Inspector of Police,
Tharamangalam Police Station,
Salem District.

.. Respondents in
Crl.O.P.No.5358/2019

1.The Superintendent of Police,
Salem
Salem District.
2.The Inspector of Police,
Kondalampatti Police Station,
Salem District.

..Respondent in Crl.O.P.No.53592019

- 1.The Superintendent of Police,
Salem,
Salem District.
- 2.The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

..Respondents in Crl.O.P.No.5365 /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) Arulmighu Sri Mariamman Koil at Chinna Perichipalayam, Pathar, Varadhanallur, Erode District on 06.03.2019 by considering the petitioner's representation dated 21.02.2019 (ii) Arulmighu Sri Vetri Vinayagar Thirukoil at Egapuram Post, Omalur Taluk, Salem District on 06.03.2019 by considering the petitioner's representation dated 23.02.2019 (iii) Arulmighu Sri Santhana Mariamman Koil at Santhanakaran Kadu, Periyapathar Post, Salem District on 06.03.2019 the petitioners representation dated 19.02.2019 (iv) Arulmighu Sri Sellandi Mariamman Koil at E.Kattur, Edanganasalai, Salem on 09.03.2019 by considering the petitioner's representation dated 21.02.2019.

For Petitioners : Mr.R.Gopinath

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

COMMON ORDER

Seeking permission to conduct cultural programmes in the event of (i) Arulmighu Sri Mariamman Koil at Chinna Perichipalayam, Pathar, Varadhanallur, Erode District on 06.03.2019 (ii) Arulmighu Sri Vetri Vinayagar Thirukoil at Egapuram Post, Omalur Taluk, Salem District on 06.03.2019 (iii) Arulmighu Sri Santhana Mariamman Koil at Santhanakaran Kadu, Periyapathar Post, Salem District on 06.03.2019, (iv) Arulmighu Sri Sellandi Mariamman Koil at E.Kattur, Edanganasalai, Salem on 09.03.2019 the petitioners made representation dated 19.02.2019, 21.02.2019 and 23.02.2019, 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) Arulmighu Sri Mariamman Koil at Chinna Perichipalayam, Pathar, Varadhanallur, Erode District on 06.03.2019 (ii) Arulmighu Sri Vetri Vinayagar Thirukoil at Egapuram Post, Omalur Taluk, Salem District on 06.03.2019 (iii) Arulmighu Sri Santhana Mariamman Koil at Santhanakaran Kadu, Periyapathar Post, Salem District on 06.03.2019 (iv) Arulmighu Sri Sellandi Mariamman Koil at E.Kattur, Edanganasalai, Salem on 09.03.2019 however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Arulmighu Sri Mariamman Koil at Chinna Perichipalayam, Pathar, Varadhanallur, Erode District on 06.03.2019 (ii) Arulmighu Sri Vetri Vinayagar Thirukoil at Egapuram Post, Omalur Taluk, Salem District on 06.03.2019 (iii) Arulmighu Sri Santhana Mariamman Koil at Santhanakaran Kadu, Periyapathar Post, Salem District on 06.03.2019, (iv) Arulmighu Sri Sellandi Mariamman Koil at E.Kattur, Edanganasalai, Salem on 09.03.2019 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 viii)

//True Copy//

Sub Assistant Registrar

lpp/vsn
To

- 1.The Superintendent of Police,
Erode,
Erode District.
- 2.The Inspector of Police,
Bhavani Police Station,
Erode District.
- 3.The Inspector of Police,
Tharamangalam Police Station,
Salem District.
- 4.The Superintendent of Police,
Salem
Salem District.
- 5.The Inspector of Police,
Kondalampatti Police Station,
Salem District.
- 6.The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
- 7.The Public Prosecutor,
High Court, Madras.

+4ccs to Mr.R.Gopinath,Advocate SR.No.18791,18794,18970,18969

Cr1.O.P.Nos.5353,5358,5359,5360 of 2019

A.SK(01/03/2019)