

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

Crl.O.P.Nos.5422,5430,5427,5425 of 2019

M.Ramachandiran .. Petitioner in Crl.O.P.No.5422/2019
T.Duraisamy .. Petitioner in Crl.O.P.No.5430/2019
G.Saravanan .. Petitioner in Crl.O.P.No.5427/2019
C.Raja . Petitioner in Crl.O.P.No.5425/2019

Vs

- 1.The Superintendent of Police,
Krishnagiri, Krishnagiri District-635001
- 2.The Inspector of Police,
Shoolagiri Police Station
Shoolagiri Taluk,
Krishnagiri District -635117.
.. Respondents in Crl.O.P.No.5422/2019
- 1.The Superintendent of Police,
Salem, Salem District-636 001
- 2.The Inspector of Police,
Tharamangalam Police Station,
Omalur Taluk,
Salem District-636 306
.. Respondents in Crl.O.P.No.5430/2019
- 1.The Superintendent of Police,
Krishnagiri, Krishnagiri District-635 001
- 2.The Inspector of Police,
Mathur Police Station,
Pochampalli Taluk,
Krishnagiri District-635 203
..Respondents in crl O.P.No.5427/2019
- 1.The Superintendent of Police,
Krishnagiri, Krishnagiri District-635001
- 2.The Inspector of Police,
Singarapettai Police Station,
Ulthangarai Taluk,
Krishnagiri District-635 307
..Respondents in Crl.O.P.No.5425/2019

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) 'Sivam Temple Festival' is situated at Medupalli Village, Chennapalli Post, Schoolagiri Taluk, Krishnagiri District on 04.03.2019 at 6.00 to 11.00 PM by considering the petitioner's representation dated 17.02.2019 (ii) 'Sri Muthu Mariamman Temple Festival' is situated at Thutampatti Village, Thutampatti Post, Omalur Taluk, Salem District on 07.03.2019 about 6.00 to 11.00 PM by considering the petitioner's representation dated 17.02.2019 (iii) 'Sri Poongavanathamman Temple festival' is situated at Sivampatti Village, Sivampatti post, Pochampalli Taluk, Krishnagiri District on 07.03.2019 at 6.00 to 11.00 PM (iv) 'Sri Mariamman Temple festival' is situated at Govindapuram Village, Govindapuram Post, Uthangarai Taluk, Krishnagiri District on 06.03.2019 at 6.00 to 11.00 PM by considering the petitioner's representation dated 17.02.2019.

For Petitioners : Mr.S.Mayilnathan
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) 'Sivam Temple Festival' is situated at Medupalli Village, Chennapalli Post, Schoolagiri Taluk, Krishnagiri District on 04.03.2019 (ii) 'Sri Muthu Mariamman Temple Festival' is situated at Thutampatti Village, Thutampatti Post, Omalur Taluk, Salem District on 07.03.2019 (iii) 'Sri Poongavanathamman Temple festival' is situated at Sivampatti Village, Sivampatti post, Pochampalli Taluk, Krishnagiri District on 07.03.2019, (iv) 'Sri Mariamman Temple festival' is situated at Govindapuram Village, Govindapuram Post, Uthangarai Taluk, Krishnagiri District on 06.03.2019 the petitioners made representation dated 17.02.2019 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) 'Sivam Temple Festival' is situated at Medupalli Village, Chennapalli Post, Schoolagiri Taluk, Krishnagiri District on 04.03.2019 (ii) 'Sri Muthu Mariamman Temple Festival' is situated at Thutampatti Village, Thutampatti Post, Omalur Taluk, Salem District on 07.03.2019 (iii) 'Sri Poongavanathamman Temple festival' is situated at Sivampatti Village, Sivampatti post, Pochampalli Taluk, Krishnagiri District on 07.03.2019, (iv) 'Sri Mariamman Temple festival' is situated at Govindapuram Village, Govindapuram Post, Uthangarai Taluk, Krishnagiri District on 06.03.2019 however with the following conditions:-

(a) The cultural programme in connection with the event of (i) 'Sivam Temple Festival' is situated at Medupalli Village, Chennapalli Post, Schoolagiri Taluk, Krishnagiri District on 04.03.2019 (ii) 'Sri Muthu Mariamman Temple Festival' is situated at Thutampatti Village, Thutampatti Post, Omalur Taluk, Salem District on 07.03.2019 (iii) 'Sri Poongavanathamman Temple festival' is situated at Sivampatti Village, Sivampatti post, Pochampalli Taluk, Krishnagiri District on 07.03.2019, (iv) 'Sri Mariamman Temple festival' is situated at Govindapuram Village, Govindapuram Post, Uthangarai Taluk, Krishnagiri District on 06.03.2019 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)

//True Copy//

Sub Assistant Registrar

lpp/vsn
To

- 1.The Superintendent of Police,
Krishnagiri, Krishnagiri District-635001
 - 2.The Inspector of Police,
Shoolagiri Police Station
Shoolagiri Taluk, Krishnagiri District -635117.
 - 3.The Superintendent of Police,
Salem, Salem District-636 001
 - 4.The Inspector of Police,
Tharamangalam Police Station,
Omalar Taluk, Salem District-636 306
 - 5.The Inspector of Police,
Mathur Police Station,
Pochampalli Taluk,
Krishnagiri District-635 203
 - 6.The Superintendent of Police,
Krishnagiri, Krishnagiri District-635001
 - 7.The Inspector of Police,
Singarapettai Police Station,
Ulthangarai Taluk,
Krishnagiri District-635 307
 - 8.The Public Prosecutor, High Court, Madras.
- +4ccS to Mr.S.Mayilnathan,Advocate
SR.No.18533,18554,18556,18557

Cr1.O.P.Nos.5422,5430,5427,5425 of 2019

A.SK(01/03/2019)