

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.5506,5508,5509 of 2019

P.Dhandapanimoorthi

.. Petitioner in
Crl.O.P.No.5506/2019

V.N.Nallasamy

... Petitioner in
Crl.O.P.No.5508/2019

M.Chandiran

.. Petitioner in
Crl.O.P.No.5509/2019

Vs

The Inspector of Police,
Velli Tiruppur Police Station,
Velli Tiruppur,
Erode District.

... Respondents in
Crl.O.P.No.5506/2019

The Inspector of Police,
Velli Tiruppur Police Station,
Velli Tiruppur,
Erode District

... Respondents in
Crl.O.P.No.5508/2019

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

.. Respondents in
Crl.O.P.No.5509/2019

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) Olakadam Village, Kuttaimedu Arulmigu Sree Mariamman & Kalamman Temple Festival at Bhavani Taluk, Erode District on 08.03.2019 between 6.00 p.m. to 11.00 p.m by considering the

petitioner's representation dated 25.02.2019 (ii) Vedikaranpalayam Arulmigu Sree Sakthi Mariamman Temple Festival at Bhavani Taluk, Erode District on 05.03.2019 between 6.00 p.m. to 11.00 p.m by considering the petitioner's representation dated 25.02.2019 (iii) Jahir Ammapalayam, Bharathi Nagar, Kudumantheru Arulmigu Sree Malai Mariamman Temple Festival at Salem Taluk District on 13.03.2019 between 6.00 p.m. to 11.00 p.m by considering the petitioner's representation dated 21.02.2019.

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) Olakadam Village, Kuttaimedu Arulmigu Sree Mariamman & Kaliyamman Temple Festival at Bhavani Taluk, Erode District on 08.03.2019 (ii) Vedikaranpalayam Arulmigu Sree Sakthi Mariamman Temple Festival at Bhavani Taluk, Erode District on 05.03.2019 (iii) Jahir Ammapalayam, Bharathi Nagar, Kudumantheru Arulmigu Sree Malai Mariamman Temple Festival at Salem Taluk District on 13.03.2019, the petitioners made representation dated 21.02.2019 and 25.02.2019 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) Olakadam Village, Kuttaimedu Arulmigu Sree Mariamman & Kaliyamman Temple Festival at Bhavani Taluk, Erode District on 08.03.2019 (ii) Vedikaranpalayam Arulmigu Sree Sakthi Mariamman Temple Festival at Bhavani Taluk, Erode District on 05.03.2019 (iii) Jahir Ammapalayam, Bharathi Nagar, Kudumantheru Arulmigu Sree Malai Mariamman Temple Festival at Salem Taluk District on 13.03.2019,

however with the following conditions:-

(a) The cultural programme in connection with the event of
(i) Olakadam Village, Kuttaimedu Arulmigu Sree Mariamman & Kalliamman Temple Festival at Bhavani Taluk, Erode District on 08.03.2019 (ii) Vedikaranpalayam Arulmigu Sree Sakthi Mariamman Temple Festival at Bhavani Taluk, Erode District on 05.03.2019 (iii) Jahir Ammapalayam, Bharathi Nagar, Kudumantheru Arulmigu Sree Malai Mariamman Temple Festival at Salem 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.

lpp/vsn

Sd/-
Assistant Registrar

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

To

1. The Inspector of Police,
Velli Tiruppur Police Station,
Velli Tiruppur,
Erode District.

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

3. The Public Prosecutor,
High Court, Madras.

+3cc to Mr.A.Sathish Kumar, Advocate, SR.NO.19041 to 19043

Crl.O.P.Nos.5506,5508,5509 of 2019

kak(01/03/2019)



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