

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos. 6021, 6023 and 6026 of 2019

K.N.Baskaran

.. Petitioner in
Crl.O.P.No.6021 of 2019

R.Nagarajan

.. Petitioner in
Crl.O.P.No.6023 of 2019

R.Nadesan

.. Petitioner in
Crl.O.P.No.6026 of 2019

Vs

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

... Respondent in
Crl.O.P.No. 6021 of 2019

The Inspector of Police,
Attur Police Station,
Attur Taluk,
Salem District.

.. Respondent in
Crl.O.P.No.6023 of 2019

The Inspector of Police,
Elanchipalayam Police Station,
Elanchipalayam,
Namakkal District.

... Respondent in
Crl.O.P.No.6026 of 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) Koduvai Arulmigu Sree Makaliyamman Temple Festival at Tiruppur Taluk & District on 08.03.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 01.03.2019

(ii) Attur Ramalinga Vallalar Street Arulmigu Sree Angala Parameshwari Amman Temple Festival at Attur Taluk, Salem District on 08.03.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 28.02.2019
(iii) Kokkalai Village Arulmigu Sree Periya Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 27.03.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 26.02.2019 respectively.

For Petitioners : Mr.A.Sathishkumar
in all Crl.O.Ps

For Respondents : Mr.C.Raghavan
in all Crl.O.Ps Government Advocate(Criminal Side)

COMMON ORDER

Seeking permission to conduct cultural programmes in the event of (i) Koduvai Arulmigu Sree Makaliyamman Temple Festival at Tiruppur Taluk & District on 08.03.2019 (ii) Attur Ramalinga Vallalar Street Arulmigu Sree Angala Parameshwari Amman Temple Festival at Attur Taluk, Salem District on 08.03.2019 (iii) Kokkalai Village Arulmigu Sree Periya Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 27.03.2019 the petitioners made representation dated 01.03.2019, 28.02.2019 and 26.02.2019 to the respondent. As the same has not been considered, the present Criminal Original petitions have been filed.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal Side) appearing for the respondents.

3. The learned Government Advocate(Criminal Side), 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) Koduvai Arulmigu Sree Makaliyamman Temple Festival at Tiruppur Taluk & District on 08.03.2019 (ii) Attur Ramalinga Vallalar Street Arulmigu Sree Angala Parameshwari Amman Temple Festival at Attur Taluk, Salem District on 08.03.2019 (iii) Kokkalai Village Arulmigu Sree Periya Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 27.03.2019 however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Koduvai Arulmigu Sree Makaliyamman Temple Festival at Tiruppur Taluk & District on 08.03.2019 (ii) Attur Ramalinga

Vallalar Street Arulmigu Sree Angala Parameshwari Amman Temple Festival at Attur Taluk, Salem District on 08.03.2019 (iii) Kokkalai Village Arulmigu Sree Periya Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 27.03.2019 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 respondents are directed to issue necessary permission, incorporating the above conditions.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr/kas

To

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

2.The Inspector of Police,
Attur Police Station,
Attur Taluk,
Salem District.

3.The Inspector of Police,
Elanchipalayam Police Station,
Elanchipalayam,
Namakkal District.

4.The Public Prosecutor,
High Court, Madras.

+3ccs to Mr.A.Sathishkumar, Advocate, S.R.No.21050 to 21052

Crl.O.P.Nos. 6021, 6023
and 6026 of 2019

SJ(CO)

rrs 07/03/2019



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