

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.6659, 6660, 6661 & 6662 of 2019

R.K.Paulraj

.. Petitioner in
Crl.O.P.No.6659/2019

R.Sathiyasivan

.. Petitioner in
Crl.O.P.No.6660/2019

C.Yuvaraj

.. Petitioner in
Crl.O.P.No.6661/2019

B.K.Nagarajan

.. Petitioner in
Crl.O.P.No.6662/2019

Vs

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

.. Respondent in
Crl.O.P.No.6659/2019

The Inspector of Police,
Pochampalli Police Station,
Pochampalli,
Krishnagiri District.

.. Respondent in
Crl.O.P.No.6660/2019

The Inspector of Police,
Natrampalli Police Station,
Natrampalli,
Vellore District.

.. Respondent in
Crl.O.P.No.6661/2019

The Inspector of Police,
Kariyamangalam Police Station,
Kariyamangalam,
Dharmapuri District.

.. Respondent in
Crl.O.P.No.6662/2019

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) Rajagoundampalayam Arulmigu Sree Muthu Mariamman Temple festival at Tiruchengode Taluk, Namakkal District, on 14.03.2019 by considering the petitioner's representation dated 08.03.2019 (ii) Jambukuttapatti Village Arulmigu Sree Karumalai Nadupalani Andavar Temple Festival at Pochampalli Taluk, Krishnagiri District, on 21.03.2019 by considering the petitioner's representation dated 06.03.2019 (iii) Pakchur, Thangamalai Arulmigu Sree Sendraya Swamy Temple Kesavaganam, Thirukalyanavaganam & Karudavaganam Urchavam festival at Natrampalli Taluk, Vellore District on 18.03.2019 & 19.03.2019 by considering the petitioner's representation dated 06.03.2019 (iv) Bommahalli Arulmigu Sree Mariamman Temple festival at Palakodu Taluk, Dharmapuri District on 24.05.2019 by considering the petitioner's representation dated 08.03.2019.

For Petitioners : Mr. A. Sathishkumar

For Respondents : Mr. C. Raghavan
Government Advocate (Crl. Side)

C O M M O N O R D E R

Seeking permission to conduct cultural programmes in the event of (i) Rajagoundampalayam Arulmigu Sree Muthu Mariamman Temple festival at Tiruchengode Taluk, Namakkal District, on 14.03.2019 (ii) Jambukuttapatti Village Arulmigu Sree Karumalai Nadupalani Andavar Temple Festival at Pochampalli Taluk, Krishnagiri District, on 21.03.2019 (iii) Pakchur, Thangamalai Arulmigu Sree Sendraya Swamy Temple Kesavaganam, Thirukalyanavaganam & Karudavaganam Urchavam festival at Natrampalli Taluk, Vellore District on 18.03.2019 & 19.03.2019, (iv) Bommahalli Arulmigu Sree Mariamman Temple festival at Palakodu Taluk, Dharmapuri District on 24.05.2019, the petitioners made representation dated 06.03.2019 & 08.03.2019 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 appearing for the respondents.

3. The Government Advocate, 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) Rajagoundampalayam Arulmigu Sree Muthu Mariamman Temple festival at Tiruchengode Taluk, Namakkal District, on 14.03.2019 (ii) Jambukuttapatti Village Arulmigu Sree Karumalai Nadupalani Andavar Temple Festival at Pochampalli Taluk, Krishnagiri District, on 21.03.2019 (iii) Pakchur, Thangamalai Arulmigu Sree Sendraya Swamy Temple Kesavaganam, Thirukalyanavaganam & Karudavaganam Urchavam festival at Natrampalli Taluk, Vellore District on 18.03.2019 & 19.03.2019, (iv) Bommahalli Arulmigu Sree Mariamman Temple festival at Palakodu Taluk, Dharmapuri District on 24.05.2019 however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Rajagoundampalayam Arulmigu Sree Muthu Mariamman Temple festival at Tiruchengode Taluk, Namakkal District, on 14.03.2019 (ii) Jambukuttapatti Village Arulmigu Sree Karumalai Nadupalani Andavar Temple Festival at Pochampalli Taluk, Krishnagiri District, on 21.03.2019 (iii) Pakchur, Thangamalai Arulmigu Sree Sendraya Swamy Temple Kesavaganam, Thirukalyanavaganam & Karudavaganam Urchavam festival at Natrampalli Taluk, Vellore District on 18.03.2019 & 19.03.2019, (iv) Bommahalli Arulmigu Sree Mariamman Temple festival at Palakodu Taluk, Dharmapuri District on 24.05.2019, 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

//True Copy//

Sub Assistant Registrar

mpa/lpp

To

1. The Inspector of Police,
Tiruchengode Police Station,
Tiruchengode,
Namakkal District.
2. The Inspector of Police,
Pochampalli Police Station,
Pochampalli,
Krishnagiri District.
3. The Inspector of Police,
Natrampalli Police Station,
Natrampalli,
Vellore District.
4. The Inspector of Police,
Kariyamangalam Police Station,
Kariyamangalam, Dharmapuri District.
5. The Public Prosecutor,
High Court, Madras.

+4 ccs to M/s.A.Sathish Kumar, Advocate, S.R.No.23556, 23557,
23558 and 23559.

CrI.O.P.Nos.6659, 6660, 6661 & 6662 of 2019

KAN(CO)
SSM(13/03/2019) .