

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.6931,6939,6941 & 6942 of 2019

S.Kandasami

.. Petitioner in
Crl.O.P.No. 6931/2019

P.Thanapal

.. Petitioner in
Crl.O.P.No.6939/2019

T.Kannan

.. Petitioner in
Crl.O.P.No.6941/2019

N.Appaji
Petitioner in
Crl.O.P.No.6942/2019

..

Vs

The Inspector of Polcie,
Vennandur Police Station,
Rasipuram Taluk,
Namakkal District.

.. Respondent
in Crl.O.P.No.6931/2019

The Inspector of Police,
Velur Police Station,
Paramathi Velur Taluk,
Namakkal District

.. Respondents in
Crl.O.P.No.6939/2019

The Inspector of Police,
Mecheri Police Station,
Mettur Taluk,
Salem District.
in

..Respondent
Crl.O.P.No.6941 of2019

The Inspector of Police,
Chittode Police Station,
Erode District.

..Respondent in
Crl.O.P.No.6942 /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) Thottipatty Village Arulmegu Sri Mariamman Kovil Thiruvizha festival at Rasipuram Taluk, Namakkal District on 26.03.2019 by considering the petitioner's representation dated 11.03.2019(ii) Ponnalarpalyam Village Arulmegu Sri Mariamman Kovil Thiruvizha festival at Paramathi Velur Taluk, Namakkal District on 27.03.2019 by considering the petitioner's representation dated 11.03.2019 (iii) Arulmegu Sri Mariamman Kovil Thiruvizha, Seeramaniyur Village, Mettur Taluk, Salem District on 03.04.2019 the petitioners representation dated 07.03.2019 (iv) Arulmegu Sri Mariamman Kovil Thiruvizha, R.N.Pudur, Chettaiyampalayam Village, Erode District on 11.04.2019 by considering the petitioner's representation dated 09.03.2019.

For Petitioners : Mr.V.Ravichandran

For Respondents : Mr.C.Raghavan
Govt. 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) Thottipatty Village Arulmegu Sri Mariamman Kovil Thiruvizha festival at Rasipuram Taluk, Namakkal District on 26.03.2019 (ii) Ponnalarpalyam Village Arulmegu Sri Mariamman Kovil Thiruvizha festival at Paramathi Velur Taluk, Namakkal District on 27.03.2019 (iii) Arulmegu Sri Mariamman Kovil Thiruvizha, Seeramaniyur Village, Mettur Taluk, Salem District on 03.04.2019 (iv) Arulmegu Sri Mariamman Kovil Thiruvizha, R.N.Pudur, Chettaiyampalayam Village, Erode District on 11.04.2019 the petitioners made representation dated 11.03.2019, 11.03.2019, 07.03.2019 and 09.03.2019 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) Thottipatty Village Arulmegu Sri Mariamman Kovil Thiruvizha festival at Rasipuram Taluk, Namakkal District on 26.03.2019 (ii) Ponnalarpalyam Village Arulmegu Sri Mariamman Kovil Thiruvizha festival at Paramathi Velur Taluk, Namakkal District on 27.03.2019 (iii) Arulmegu Sri Mariamman Kovil Thiruvizha, Seeramaniyur Village, Mettur Taluk, Salem District on 03.04.2019 (iv) Arulmegu Sri Mariamman Kovil Thiruvizha, R.N.Pudur, Chettaiyampalayam Village, Erode District on 11.04.2019 however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Thottipatty Village Arulmegu Sri Mariamman Kovil Thiruvizha festival at Rasipuram Taluk, Namakkal District on 26.03.2019 (ii) Ponnalarpalyam Village Arulmegu Sri Mariamman Kovil Thiruvizha festival at Paramathi Velur Taluk, Namakkal District on 27.03.2019 (iii) Arulmegu Sri Mariamman Kovil Thiruvizha, Seeramaniyur Village, Mettur Taluk, Salem District on 03.04.2019 (iv) Arulmegu Sri Mariamman Kovil Thiruvizha, R.N.Pudur, Chettaiyampalayam Village, Erode District on 11.04.2019 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.
vsn/kas

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Polcie,
Vennandur Police Station,
Rasipuram Taluk,
Namakkal District.

2.The Inspector of Police,
Velur Police Station,
Paramathi Velur Taluk,
Namakkal District

3.The Inspector of Police,
Mecheri Police Station,
Mettur Taluk,
Salem District.

4.The Inspector of Police,
Chittode Police Station,
Erode District.

5.The Public Prosecutor,
High Court, Madras.

+4CCs to Mr.V.Ravichandran, Advocate, S.R.No.24048 to 24051

Cr1.O.P.Nos.6931,6939,6941 & 6942 of 2019

Kak(22/03/2019)