

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.03.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.7249 & 7251 of 2019

K.Venkatesh .. Petitioner in Crl.O.P.No.7249/2019
R.Muthu .. Petitioner in Crl.O.P.No.7251/2019

Vs.

The Inspector of Police,
Nallipalayam Police Station,
Nallipalayam
Namakkal District. ... Respondent in
Crl.O.P.No.7249/2019

The Inspector of Police,
Panaimarathupatti Police Station,
Panaimarathupatti,
Salem District. ... Respondent in
Crl.O.P.No.7251/2019

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) Thindamangalam Arulmigu Sree Mariamman Temple festival at Namakkal Taluk & District, on 28.03.2019 between 06.00 P.M., to 11.00 P.M., by considering the petitioner's representation dated 13.03.2019 (ii) Thippampatti Arulmigu Sree Muthalamman Temple Festival at Salem Taluk & District on 04.04.2019 between 06.00 P.M., to 11.00 P.M., by considering the petitioner's representation dated 13.03.2019.

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

COMMON ORDER

Seeking permission to conduct cultural programmes in the event of (i) Thindamangalam Arulmigu Sree Mariamman Temple festival at Namakkal Taluk & District, on 28.03.2019 (ii) Thippampatti Arulmigu Sree Muthalamman Temple Festival at Salem Taluk & District on 04.04.2019, the petitioners made representation dated 13.03.2019 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 Government Advocate (Crl.Side) appearing for the respondents.

3. The learned Government Advocate (Crl.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) Thindamangalam Arulmigu Sree Mariamman Temple festival at Namakkal Taluk & District, on 28.03.2019 (ii) Thippampatti Arulmigu Sree Muthalamman Temple Festival at Salem Taluk & District on 04.04.2019, however with the following conditions:-

(i) Thindamangalam Arulmigu Sree Mariamman Temple festival at Namakkal Taluk & District, on 28.03.2019 (ii) Thippampatti Arulmigu Sree Muthalamman Temple Festival at Salem Taluk & District on 04.04.2019, 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.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

mpa/lpp

To

1.The Inspector of Police,
Nallipalayam Police Station,
Nallipalayam
Namakkal District.

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

3.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.A.Sathishkumar , Advocate SR.No. 25541
Crl.O.P.Nos.7249 & 7251 of 2019
A.SK(21/03/2019)



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