

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :20.03.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.7336,7338,7339,7341 of 2019

S.Ganesan .. Petitioner in Crl.O.P.No.7336/2019
S.Madheswaran .. Petitioner in Crl.O.P.No.7338/2019
R.Kumar .. Petitioner in Crl.O.P.No.7339/2019
Pachamuthu .. Petitioner in Crl.O.P.No.7341/2019

vs

1.The Superintendent of Police,
Salem District,
Salem.

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

.. Respondents in Crl.O.P.No.7336/2019

1.The Superintendent of Police,
Namakkal,
Namakkal District.

2.The Inspector of Police,
Elachipalayam Police Station,
Namakkal,
Namakkal District.

.. Respondents in Crl.O.P.No.7338/2019

1.The Superintendent of Police,
Salem,
Salem District.

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

..Respondents in Crl.O.P.No.7339/2019

1.The Superintendent of Police,
Salem,
Salem District.

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

..Respondents in Crl.O.P.No.7341 /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) Deevattipatti Arulmighu Sri Periya Mariamman Koil, Deevattipatti, Salem District on 22.03.2019 by considering the petitioner's representation dated 14.03.2019(ii) Arulmighu Sri Murugan Thirukoil at Vaippamalai, Tiruchengodu, Namakkal District on 22.03.2019 by considering the petitioner's representation dated 11.03.2019 (iii) Arulmighu Sri Chinnaamman, Sri Periyamman Koil at Bannavadi Village, Mettu Taluk, Salem District on 11.04.2019 the petitioners representation dated 14.03.2019 (iv) Arulmighu Sellandi Mariamman Thirukoil at Napalaiyam, Edanganasalai, Salem on 04.04.2019 by considering the petitioner's representation dated 11.03.2019.

For Petitioners : Mr.R.Gopinath

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) Deevattipatti Arulmighu Sri Periya Mariamman Koil, Deevattipatti, Salem District on 22.03.2019 (ii) Arulmighu Sri Murugan Thirukoil at Vaippamalai, Tiruchengodu, Namakkal District on 22.03.2019 (iii) Arulmighu Sri Chinnaamman, Sri Periyamman Koil at Bannavadi Village, Mettu Taluk, Salem District on 11.04.2019 (iv) Arulmighu Sellandi Mariamman Thirukoil at Napalaiyam, Edanganasalai, Salem on 04.04.2019 the petitioners made representation dated 14.03.2019, 11.03.2019, 14.03.2019 and 11.03.2019 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) Deevattipatti Arulmighu Sri Periya Mariamman Koil, Deevattipatti, Salem District on 22.03.2019 (ii) Arulmighu Sri Murugan Thirukoil at Vaippamalai, Tiruchengodu, Namakkal District on 22.03.2019 (iii) Arulmighu Sri Chinnaamman, Sri Periyamman Koil at Bannavadi Village, Mettu Taluk, Salem District on 11.04.2019 (iv) Arulmighu Sellandi Mariamman Thirukoil at Napalaiyam, Edanganasalai, Salem on 04.04.2019 however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Deevattipatti Arulmighu Sri Periya Mariamman Koil, Deevattipatti, Salem District on 22.03.2019 (ii) Arulmighu Sri Murugan Thirukoil at Vaippamalai, Tiruchengodu, Namakkal District on 22.03.2019 (iii) Arulmighu Sri Chinnaamman, Sri Periyamman Koil at Bannavadi Village, Mettu Taluk, Salem District on 11.04.2019 (iv) Arulmighu Sellandi Mariamman Thirukoil at Napalaiyam, Edanganasalai, Salem 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

vsn/ssr

To

- 1.The Superintendent of Police,
Salem District,
Salem.
- 2.The Inspector of Police,
Deevattipatti Police Station,
Salem District.
- 3.The Superintendent of Police,
Namakkal,
Namakkal District.
- 4.The Inspector of Police,
Elachipalayam Police Station,
Namakkal,
Namakkal District.
- 5.The Inspector of Police,
Kolathur Police Station,
Salem District.
- 6.The Inspector of Police,
Magudachavadi Police Station,
Salem District.
- 7.The Public Prosecutor,
High Court, Madras.

+4ccs to Mr.R.Gopinath, Advocate SR.No.26185,26186,
261787,26188

Cr1.O.P.Nos.7336,7338,7339,7341 of 2019

A.SK(20/03/2019)