

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos. 7424, 7427, 7428 & 7438 of 2019

A.Senivasan

.. Petitioner in
Crl.O.P.No.7424 of 2019

S.Palanivel

.. Petitioner in
Crl.O.P.No.7427 of 2019

A.Subramani

.. Petitioner in
Crl.O.P.No.7428 of 2019

V.Sivananthan

.. Petitioner in
Crl.O.P.No.7438 of 2019

Vs

The Inspector of Police,
Thammampatti Police Station,
Thammampatti,
Salem District.

.. Respondents in
Crl.O.P.No.7424 of 2019

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

.. Respondents in
Crl.O.P.No.7427 of 2019

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

.. Respondents in
Crl.O.P.No.7428 of 2019

The Inspector of Police,
Tholasampatti Police Station,
Tholasampatti,
Salem District.

.. Respondents in
Crl.O.P.No.7438 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) Thammampatti Arulmigu Sree Subramaniya Swamy Temple Panguni Uthiram Festival at Gengavalli Taluk & Salem District on 21.03.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 15.03.2019 (ii) Konampatti Village Arulmigu Sree Murugan Temple Panguni Uthiram Festival at Kariyamangalam Taluk, Dharmapuri District on 22.03.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 15.03.2019 (iii) Velakkalnatham Village Arulmigu Sree Samundeswari Amman Temple Festival at Natrampalli Taluk, Vellore District on 24.03.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 16.03.2019 (iv) Manathal Village Arulmigu Sree Sakthi Mariamman Temple Festival at Omalur Taluk, Salem District on 28.03.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 15.03.2019 respectively.

For Petitioners : Mr.A.Sathishkumar

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

C O M M O N O R D E R

Seeking permission to conduct cultural programmes in the event of (i) Thammampatti Arulmigu Sree Subramaniya Swamy Temple Panguni Uthiram Festival at Gengavalli Taluk & Salem District on 21.03.2019 (ii) Konampatti Village Arulmigu Sree Murugan Temple Panguni Uthiram Festival at Kariyamangalam Taluk, Dharmapuri District on 22.03.2019 (iii) Velakkalnatham Village Arulmigu Sree Samundeswari Amman Temple Festival at Natrampalli Taluk, Vellore District on 24.03.2019 (iv) Manathal Village Arulmigu Sree Sakthi Mariamman Temple Festival at Omalur Taluk, Salem District on 28.03.2019 the petitioners made representation dated 15.03.2019 and 16.03.2019 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 (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) Thammampatti Arulmigu Sree Subramaniya Swamy Temple Panguni Uthiram Festival at Gengavalli Taluk & Salem District on 21.03.2019 (ii) Konampatti Village Arulmigu Sree Murugan Temple Panguni Uthiram Festival at Kariyamangalam Taluk, Dharmapuri District on 22.03.2019 (iii) Velakkalnatham Village Arulmigu Sree Samundeswari Amman Temple Festival at Natrampalli Taluk, Vellore District on 24.03.2019 (iv) Manathal Village Arulmigu Sree Sakthi Mariamman Temple Festival at Omalur Taluk, Salem District on 28.03.2019, however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Thammampatti Arulmigu Sree Subramaniya Swamy Temple Panguni Uthiram Festival at Gengavalli Taluk & Salem District on 21.03.2019 (ii) Konampatti Village Arulmigu Sree Murugan Temple Panguni Uthiram Festival at Kariyamangalam Taluk, Dharmapuri District on 22.03.2019 (iii) Velakkalnatham Village Arulmigu Sree Samundeswari Amman Temple Festival at Natrampalli Taluk, Vellore District on 24.03.2019 (iv) Manathal Village Arulmigu Sree Sakthi Mariamman Temple Festival at Omalur Taluk, Salem District on 28.03.2019 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 respondent is directed to issue necessary permission, incorporating the above conditions.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssr/vsn

To

1.The Inspector of Police,
Thammampatti Police Station,
Thammampatti,
Salem District.

2.The Inspector of Police,
Kambeinallur Police Station,
Kambeinallur,
Dharmapuri District.

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

4.The Inspector of Police,
Tholasampatti Police Station,
Tholasampatti,
Salem District.

5.The Public Prosecutor,
High Court, Madras.

+4ccs to Mr.A.Sathishkumar, Advocate, S.R.No.26468 to 26471

Crl.O.P.Nos. 7424, 7427,
7428 & 7438 of 2019

GJ II(CO)

rrs 20/03/2019



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