

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos. 7435 & 7437 of 2019

M.Sivakumar

.. Petitioner in
Crl.O.P.No.7435 of 2019

E.Sureshkumar

.. Petitioner in
Crl.O.P.No.7437 of 2019

Vs

The Inspector of Police,
Mulanur Police Station,
Mulanur, Tirppur District.

.. Respondents in
Crl.O.P.No.7435 of 2019

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

.. Respondents in
Crl.O.P.No.7437 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) D.Kumarapalayam Arulmigu Sree Thirumalai Swamy Bhagavan Temple Festival at Dharauram Taluk & Tiruppur District on 07.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 15.03.2019 (ii) Gandhipuram Arulmigu Sree Karumariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 24.04.2019 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) D.Kumarapalayam Arulmigu Sree Thirumalai Swamy Bhagavan Temple Festival at Dharaaram Taluk & Tiruppur District on 07.04.2019 (ii) Gandhipuram Arulmigu Sree Karumariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 24.04.2019 the petitioners made representation dated 15.03.2019 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) D.Kumarapalayam Arulmigu Sree Thirumalai Swamy Bhagavan Temple Festival at Dharaaram Taluk & Tiruppur District on 07.04.2019 (ii) Gandhipuram Arulmigu Sree Karumariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 24.04.2019, however with the following conditions:-

(a) The cultural programme in connection with the event of (i) D.Kumarapalayam Arulmigu Sree Thirumalai Swamy Bhagavan Temple Festival at Dharaaram Taluk & Tiruppur District on 07.04.2019 (ii) Gandhipuram Arulmigu Sree Karumariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 24.04.2019 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 III)

//True Copy//

Sub Assistant Registrar

ssr/vsn

To

1. The Inspector of Police,
Mulanur Police Station,
Mulanur,
Tirppur District.
2. The Inspector of Police,
Senthamangalam Police Station,
Senthamangalam,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.A.Sathishkumar, Advocate, S.R.No.26472 & 26473

CrI.O.P.Nos.7435 & 7437 of 2019

AD(CO)
CS/25/03/2019

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