

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 22.03.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos. 7670, 7672, 7673, 7674 & 7676 of 2019

K.Govindan

.. Petitioner in
Crl.O.P.No.7670 of 2019

N.Jaganathan

.. Petitioner in
Crl.O.P.No.7672 of 2019

M.Elavarasan

.. Petitioner in
Crl.O.P.No.7673 of 2019

E.Prabakaran

.. Petitioner in
Crl.O.P.No.7674 of 2019

M.Pannerselvam

.. Petitioner in
Crl.O.P.No.7676 of 2019

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

in
The Inspector of Police,
Yethappur Police Station,
Yethappur,
Salem District.

.. Respondents
Crl.O.P.No.7670 of 2019

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

.. Respondents
in Crl.O.P.No.7672 of 2019

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

.. Respondents
in Crl.O.P.No.7673 of 2019

.. Respondents in Crl.O.P.No.7674 of 2019

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

.. Respondents in
Crl.O.P.No.7676 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) Puligundur Amaran Arulmigu Sree Sakthi Mariamman Temple Festival at Mettur Taluk, Salem District on 04.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 18.03.2019 (ii) Idaiyapatti Village, Vilavannur Arulmigu Sree Ganapathi, Samundeswariamman & Karuppusamy Temple Kumbabishekam Festival at P.N.Palayam Taluk, Salem District on 06.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 18.03.2019 (iii) Puliyampatti, Melvalavu Arulmigu Sree Mariamman Temple Festival at Sankagiri Taluk, Salem District on 11.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 18.03.2019 (iv) Mallasamuthiram Arulmigu Sree Chinna Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 13.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 18.03.2019 (v) Rasipuram, Sivanandha Salai Arulmigu Sree Yellai Mariamman Temple Festival at Rasipuram Taluk, Namakkal District on 30.05.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 18.03.2019 respectively.

For Petitioners : Mr.A.Sathishkumar
in all Crl.Ops

For Respondents : Mr.C.Raghavan
Government Advocate (Criminal Side)
in all Crl.Ops

COMMON ORDER

Seeking permission to conduct cultural programmes in the event of (i) Puligundur Amaran Arulmigu Sree Sakthi Mariamman Temple Festival at Mettur Taluk, Salem District on 04.04.2019 (ii) Idaiyapatti Village, Vilavannur Arulmigu Sree Ganapathi, Samundeswariamman & Karuppusamy Temple Kumbabishekam Festival at P.N.Palayam Taluk, Salem District on 06.04.2019 (iii) Puliyampatti, Melvalavu Arulmigu Sree Mariamman Temple Festival at Sankagiri Taluk, Salem District on 11.04.2019 (iv)

Mallasamuthiram Arulmigu Sree Chinna Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 13.04.2019 (v) Rasipuram, Sivanandha Salai Arulmigu Sree Yellai Mariamman Temple Festival at Rasipuram Taluk, Namakkal District on 30.05.2019 the petitioners made representation dated 18.03.2019 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) Puligundur Amaran Arulmigu Sree Sakthi Mariamman Temple Festival at Mettur Taluk, Salem District on 04.04.2019 (ii) Idaiyapatti Village, Vilavannur Arulmigu Sree Ganapathi, Samundeswariamman & Karuppusamy Temple Kumbabishekam Festival at P.N.Palayam Taluk, Salem District on 06.04.2019 (iii) Puliyampatti, Melvalavu Arulmigu Sree Mariamman Temple Festival at Sankagiri Taluk, Salem District on 11.04.2019 (iv) Mallasamuthiram Arulmigu Sree Chinna Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 13.04.2019 (v) Rasipuram, Sivanandha Salai Arulmigu Sree Yellai Mariamman Temple Festival at Rasipuram Taluk, Namakkal District on 30.05.2019, however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Puligundur Amaran Arulmigu Sree Sakthi Mariamman Temple Festival at Mettur Taluk, Salem District on 04.04.2019 (ii) Idaiyapatti Village, Vilavannur Arulmigu Sree Ganapathi, Samundeswariamman & Karuppusamy Temple Kumbabishekam Festival at P.N.Palayam Taluk, Salem District on 06.04.2019 (iii) Puliyampatti, Melvalavu Arulmigu Sree Mariamman Temple Festival at Sankagiri Taluk, Salem District on 11.04.2019 (iv) Mallasamuthiram Arulmigu Sree Chinna Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 13.04.2019 (v) Rasipuram, Sivanandha Salai Arulmigu Sree Yellai Mariamman Temple Festival at Rasipuram Taluk, Namakkal District on 30.05.2019 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

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Mecheri Police Station,
Mecheri,
Salem District.
2. The Inspector of Police,
Yethappur Police Station,
Yethappur,
Salem District.
3. The Inspector of Police,
Thevur Police Station,
Thevur,
Salem District.

4. The Inspector of Police,
Mallasamuthiram Police Station,
Mallasamuthiram,
Namakkal District.

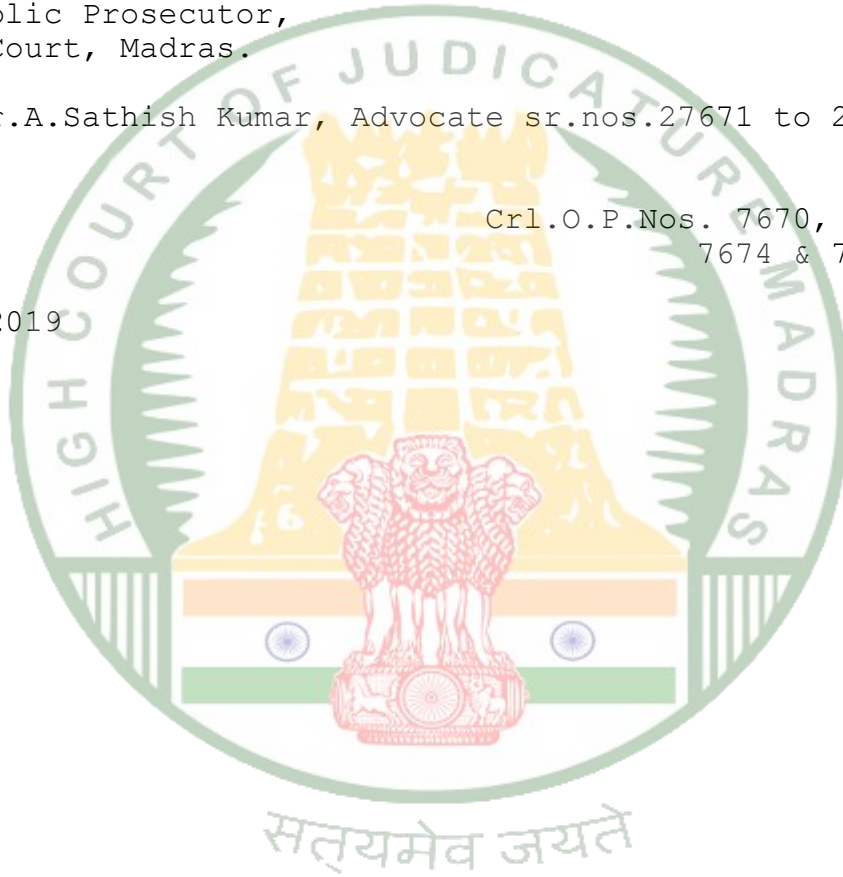
5. The Inspector of Police,
Rasipuram Police Station,
Rasipuram Taluk,
Namakkal District.

6. The Public Prosecutor,
High Court, Madras.

+5cc to Mr.A.Sathish Kumar, Advocate sr.nos.27671 to 27674 &
27680

Crl.O.P.Nos. 7670, 7672, 7673,
7674 & 7676 of 2019

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