

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

Crl.O.P.Nos.7678,7680,7682 & 7685 of 2019

R.Krishnan

.. Petitioner in
Crl.O.P.No.7678/2019

M.Sankar

.. Petitioner in
Crl.O.P.No.7680/2019

C.Palanisamy

.. Petitioner in
Crl.O.P.No.7682/2019

N.Kumaresan

.. Petitioner in
Crl.O.P.No.7685/2019

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

.. Respondent
in Crl.O.P.No.7678/2019

The Inspector of Police,
Vellodu Police Station,
Vellode,
Erode District.

.. Respondent in

Crl.O.P.No.7680/2019

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

..Respondent in
Crl.O.P.No.7682/2019

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

..Respondent in
Crl.O.P.No.7685 /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) Nanjei Idaiyar Arulmigu Sree Mariamman Temple Festival at Mohanur Taluk, Namakkal District on 25.03.2019 between 6.00 P.M. To 11.00.P.M respectively by considering the petitioner's representation dated 18.03.2019(ii) V.Mettupalayam, Lakshmipuram Colony Arulmigu Sree Makaliyamman Temple festival at Perundurai Taluk, Erode District on 28.03.2019 by considering the petitioner's representation dated 18.03.2019 (iii) Mankarattupalayam Arulmigu Sree Mariamman Temple festival at Tiruchengode Taluk, Namakkal District on 28.03.2019 the petitioners representation dated 18.03.2019 (iv) Vathimarudhaalli Arulmigu Sree Chinnamalai Madeswaran Temple Yugathi Festival at Pennagaram Taluk, Dharmapuri District on 05.04.2019 by considering the petitioner's representation dated 18.03.2019.

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

For Respondents : Mr.C.Raghavan
in all Ops. 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) Nanjei Idaiyar Arulmigu Sree Mariamman Temple Festival at Mohanur Taluk, Namakkal District on 25.03.2019 (ii) V.Mettupalayam, Lakshmipuram Colony Arulmigu Sree Makaliyamman Temple festival at Perundurai Taluk, Erode District on 28.03.2019 (iii) Mankarattupalayam Arulmigu Sree Mariamman Temple festival at Tiruchengode Taluk, Namakkal District on 28.03.2019 (iv) Vathimarudhaalli Arulmigu Sree Chinnamalai Madeswaran Temple Yugathi Festival at Pennagaram Taluk, Dharmapuri District on 05.04.2019 the petitioners made representation dated 18.03.2019 to the respondents. 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 Govt. Advocate (Crl.side) appearing for the respondents.

3. The learned Govt. 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) Nanjei Idaiyar Arulmigu Sree Mariamman Temple Festival at Mohanur Taluk, Namakkal District on 25.03.2019 (ii) V.Mettupalayam, Lakshmipuram Colony Arulmigu Sree Makaliyamman Temple festival at Perundurai Taluk, Erode District on 28.03.2019 (iii) Mankarattupalayam Arulmigu Sree Mariamman Temple festival at Tiruchengode Taluk, Namakkal District on 28.03.2019 (iv) Vathimarudhaalli Arulmigu Sree Chinnamalai Madeswaran Temple Yugathi Festival at Pennagaram Taluk, Dharmapuri District on 05.04.2019 however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Nanjei Idaiyar Arulmigu Sree Mariamman Temple Festival at Mohanur Taluk, Namakkal District on 25.03.2019 (ii) V.Mettupalayam, Lakshmipuram Colony Arulmigu Sree Makaliyamman Temple festival at Perundurai Taluk, Erode District on 28.03.2019 (iii) Mankarattupalayam Arulmigu Sree Mariamman Temple festival at Tiruchengode Taluk, Namakkal District on 28.03.2019 (iv) Vathimarudhaalli Arulmigu Sree Chinnamalai Madeswaran Temple Yugathi Festival at Pennagaram Taluk, Dharmapuri District on 05.04.2019 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 respondents are directed to issue necessary permission, incorporating the above conditions.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Velur Police Station,
Velur,
Namakkal District.
- 2.The Inspector of Police,
Vellodu Police Station,
Vellode,
Erode District.
- 3.The Inspector of Police,
Molasi Police Station,
Molasi,
Namakkal District.
- 4.The Inspector of Police,
Papparapatti Police Station,
Papparapatti,
Dharmapuri District.
- 5.The Public Prosecutor,
High Court, Madras.

+4cc to Mr.A.Sathishkumar, Advocate sr.no.27675 to 27678

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nr 22/03/2019