

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.7996 & 7998 of 2019

C.Periyasamy

.. Petitioner in
Crl.O.P.No.7996/2019

R.Mani

.. Petitioner in
Crl.O.P.No.7998/2019

Vs

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

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

.. Respondents
in Crl.O.P.No.7996/2019

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

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

.. Respondents in
Crl.O.P.No.7998/2019

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) Arulmighu Sri Mariamman Koil at Chinnandipatti, Rajapalayam, Salem District on 10.04.2019 by considering the petitioner's representation dated 20.03.2019(ii) Arulmighu Sri Mariamman Koil at Thengalpalayam Post, Athanur Via, Rasipuram Taluk, Namakkal

District on 04.04.2019 by considering the petitioner's representation dated 20.03.2019.

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) Arulmighu Sri Mariamman Koil at Chinnandipatti, Rajapalayam, Salem District on 10.04.2019 (ii) Arulmighu Sri Mariamman Koil at Thengalpalayam Post, Athanur Via, Rasipuram Taluk, Namakkal District on 04.04.2019 petitioners made representation dated 20.03.2019 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 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) Arulmighu Sri Mariamman Koil at Chinnandipatti, Rajapalayam, Salem District on 10.04.2019 (ii) Arulmighu Sri Mariamman Koil at Thengalpalayam Post, Athanur Via, Rasipuram Taluk, Namakkal District 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 10.04.2019 (ii) Arulmighu Sri Mariamman Koil at Thengalpalayam Post, Athanur Via, Rasipuram Taluk, Namakkal District 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 respondents are directed to issue necessary permission, incorporating the above conditions.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

vsn/mpa

To

- 1.The Superintendent of Police,
Salem,
Salem District.
- 2.The Inspector of Police,
Attaiampatti Police Station,
Salem District.
- 3.The Superintendent of Police,
Namakkal,
Namakkal District.
- 4.The Inspector of Police, Rasipuram Police Station,
Namakkal District.
- 5.The Public Prosecutor,
High Court, Madras.

+2 Ccs to Mr.R.Gopinath, Advocate sr 29019 & 29020.

CrI.O.P.Nos.7996 & 7998 of 2019

SP(02/04/2019)