

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.8290,8293,8295 & 8297 of 2019

P.Murugan .. Petitioner in Crl.O.P.No.8290/2019
A.Murugan .. Petitioner in Crl.O.P.No.8293/2019
S.Muniraj .. Petitioner in Crl.O.P.No.8295/2019
E.Annadurai .. Petitioner in Crl.O.P.No.8297/2019

vs

1.The Superintendent of Police,
Salem,Salem District-636 001
2.The Inspector of Police,
Tharamangalam Police Station,
Omalur Taluk,
Salem District-636 502
.. Respondents in Crl.O.P.No.8290/2019

1.The Superintendent of Police,
Salem, Salem District-636 001
2.The Inspector of Police,
Panamarathupatty Police station,
Salem Taluk,
Salem District.
.. Respondents in Crl.O.P.No.8293/2019

1.The Superintendent of Police,
Dharmapuri, Dharmapuri District-635 001.
2.The Inspector of Police,
Karimangalam Police Station,
Karimangalam Taluk,
Dharmapuri District-635 111.
..Respondents in Crl.O.P.No.8295/2019

1.The Superintendent of Police,
Krishangiri, Krishnagiri District-635 001

2.The Inspector of Police,
Veppanapalli Police Station,
Krishnagiri Taluk,
Krishnagiri District -635 121.

..Respondents in CrI.O.P.No.8297 /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) Sri Mariyamman Temple festival is situated at Kanakkupatti Village, Aarurpatti Post, Omalur Taluk, Salem District on 03.04.2019 at 06.00 P.M. To 11.00 P.M. by considering the petitioner's representation dated 20.03.2019(ii) Sri Mariyamman & Sri Muthalamman Temple festival is situated at Thippampatty Village, Thippampatty Post, Salem Taluk, Salem District on 02.04.2019 at about 06.00 P.M to 11.00 P.M. by considering the petitioner's representation dated 20.03.2019 (iii) Sri Mahasakthi Mariamman Temple festival is situated at Bommahalli Village, Bommahalli Post, Kariamangalam Taluk, Dharmapuri District on 26.05.2019 at about 06.00 P.M to 11.00 P.M the petitioners representation dated 20.03.2019 (iv) Sri Varasithi Vinayagar Temple Maha Kumbabishekam festival is situated at Ettipalli Village, Neralagiri post, Krishnagiri Taluk, Krishnagiri District on 10.04.2019 at about 06.00 P.M to 11.00 P.M by considering the petitioner's representation dated 20.03.2019.

For Petitioners : Mr.S.Mayilnathan

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) Sri Mariyamman Temple festival is situated at Kanakkupatti Village, Aarurpatti Post, Omalur Taluk, Salem District on 03.04.2019 (ii) Sri Mariyamman & Sri Muthalamman Temple festival is situated at Thippampatty Village, Thippampatty Post, Salem Taluk, Salem District on 02.04.2019 (iii) Sri Mahasakthi Mariamman Temple festival is situated at Bommahalli Village, Bommahalli Post, Kariamangalam Taluk, Dharmapuri District on 26.05.2019 (iv) Sri Varasithi Vinayagar Temple Maha Kumbabishekam festival is situated at Ettipalli Village, Neralagiri post, Krishnagiri Taluk, Krishnagiri District on 10.04.2019 the petitioners made representation dated

20.03.2019 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) Sri Mariyamman Temple festival is situated at Kanakkupatti Village, Aarurpatti Post, Omalur Taluk, Salem District on 03.04.2019 (ii) Sri Mariyamman & Sri Muthalamman Temple festival is situated at Thippampatty Village, Thippampatty Post, Salem Taluk, Salem District on 02.04.2019 (iii) Sri Mahasakthi Mariamman Temple festival is situated at Bommahalli Village, Bommahalli Post, Kariamangalam Taluk, Dharmapuri District on 26.05.2019 (iv) Sri Varasithi Vinayagar Temple Maha Kumbabishekam festival is situated at Ettipalli Village, Neralagiri post, Krishnagiri Taluk, Krishnagiri District on 10.04.2019 however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Sri Mariyamman Temple festival is situated at Kanakkupatti Village, Aarurpatti Post, Omalur Taluk, Salem District on 03.04.2019 (ii) Sri Mariyamman & Sri Muthalamman Temple festival is situated at Thippampatty Village, Thippampatty Post, Salem Taluk, Salem District on 02.04.2019 (iii) Sri Mahasakthi Mariamman Temple festival is situated at Bommahalli Village, Bommahalli Post, Kariamangalam Taluk, Dharmapuri District on 26.05.2019 (iv) Sri Varasithi Vinayagar Temple Maha Kumbabishekam festival is situated at Ettipalli Village, Neralagiri post, Krishnagiri Taluk, Krishnagiri District on 10.04.2019 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 IV)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police,
Salem,
Salem District-636 001

2.The Inspector of Police,
Tharamangalam Police Station,
Omalar Taluk,
Salem District-636 502.

3.The Inspector of Police,
Panamarathupatty Police station,
Salem Taluk,
Salem District.

4.The Superintendent of Police,
Dharmapuri,
Dharmapuri District-635 001.

5.The Inspector of Police,
Karimangalam Police Station,
Karimangalam Taluk,
Dharmapuri District-635 111.

6.The Superintendent of Police,
Krishangiri,
Krishnagiri District-635 001

7.The Inspector of Police,
Veppanapalli Police Station,
Krishnagiri Taluk,
Krishnagiri District -635 121.

8.The Public Prosecutor,
High Court, Madras.

+4 cc's to Mr.S.Mayilnathan, Advocate Sr.Nos.29985,29987,29986
and 29988

Cr1.O.P.Nos.8290,8293,8295 & 8297 of 2019

PMS (CO)
CSL/01.04.2019



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