

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2019

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THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.8140, 8144, 8147, and 8150 of 2019

- | | | |
|-----------------|----|--------------------------------|
| 1.A.Palanivelu | .. | Petitioner in Crl.OP.8140/2019 |
| 2.K.Sakthivel | .. | Petitioner in Crl.OP.8144/2019 |
| 3.T.Vijayakumar | .. | Petitioner in Crl.OP.8147/2019 |
| 4.M.Manikandan | .. | Petitioner in Crl.OP.8150/2019 |

Vs

- | | | |
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| 1.The Inspector of Police,
Taramangalam Police Station,
Salem District. | .. | Respondent in Crl.OP.8140/2019 |
| 2.The Inspector of Police,
Tholasampatti Police Station,
Salem District. | .. | Respondent in Crl.OP.8144/2019 |
| 3.The Inspector of Police,
Omaller Police Station,
Salem District. | .. | Respondent in Crl.OP.8147/2019 |
| 4.The Inspector of Police,
Town Police Station,
Bhavani, Erode District. | .. | Respondent in Crl.OP.8150/2019 |

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 Programme) in the event of (i) Kanakupatti Sri Mariamman Temple Festival at Salem District on 02.04.2019 by considering the petitioner's representation dated 23.03.2019 in CrI.O.P.8140/2019, (ii) Thindamangalam Sri Sakthi Mariamman Temple Festival at Salem District on 03.04.2019 by considering the petitioner's representation dated 23.03.2019 in CrI.O.P.8144/2019, (iii) Kosavanthittu Sri Mariamman Temple Festival at Salem District on 04.04.2019 by considering the petitioner's representation dated 23.03.2019 in CrI.O.P.8147/2019, and (iv) Kuppichipalayam Sri Sakthi Mariamman Temple Festival at Erode District on 04.04.2019 by considering the petitioner's representation dated 23.03.2019 in CrI.O.P.8150/2019 respectively.

For Petitioners : Mr.R.P.Murugan Raja
[In all CrI.OPs]

For Respondents : Mr.C.Raghavan
[In all CrI.OPs] Government Advocate (Criminal Side)

COMMON ORDER

Seeking permission to conduct cultural programmes in the event of (i) Kanakupatti Sri Mariamman Temple Festival at Salem District on 02.04.2019 by considering the petitioner's representation dated 23.03.2019 in CrI.O.P.8140/2019, (ii) Thindamangalam Sri Sakthi Mariamman Temple Festival at Salem District on 03.04.2019 by considering the petitioner's representation dated 23.03.2019 in CrI.O.P.8144/2019, (iii) Kosavanthittu Sri Mariamman

Temple Festival at Salem District on 04.04.2019 by considering the petitioner's representation dated 23.03.2019 in CrI.O.P.8147/2019, and (iv) Kuppichipalayam Sri Sakthi Mariamman Temple Festival at Erode District on 04.04.2019 by considering the petitioner's representation dated 23.03.2019 in CrI.O.P.8150/2019 respectively. 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) Kanakupatti Sri Mariamman Temple Festival at Salem District on 02.04.2019 by considering the petitioner's representation dated 23.03.2019 in CrI.O.P.8140/2019, (ii) Thindamangalam Sri Sakthi Mariamman Temple Festival

at Salem District on 03.04.2019 by considering the petitioner's representation dated 23.03.2019 in Crl.O.P.8144/2019, (iii) Kosavanthittu Sri Mariamman Temple Festival at Salem District on 04.04.2019 by considering the petitioner's representation dated 23.03.2019 in Crl.O.P.8147/2019, and (iv) Kuppichipalayam Sri Sakthi Mariamman Temple Festival at Erode District on 04.04.2019 by considering the petitioner's representation dated 23.03.2019 in Crl.O.P.8150/2019 respectively, however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Kanakupatti Sri Mariamman Temple Festival at Salem District on 02.04.2019 by considering the petitioner's representation dated 23.03.2019 in Crl.O.P.8140/2019, (ii) Thindamangalam Sri Sakthi Mariamman Temple Festival at Salem District on 03.04.2019 by considering the petitioner's representation dated 23.03.2019 in Crl.O.P.8144/2019, (iii) Kosavanthittu Sri Mariamman Temple Festival at Salem District on 04.04.2019 by considering the petitioner's representation dated 23.03.2019 in Crl.O.P.8147/2019, and (iv) Kuppichipalayam Sri Sakthi Mariamman Temple Festival at Erode District on 04.04.2019 by considering the petitioner's representation dated 23.03.2019 in Crl.O.P.8150/2019 respectively, shall be conducted between 06.00 p.m. and 10.00 p.m., however, with the following conditions:-

(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.

5. With the above directions, this Criminal Original Petition stands allowed.

27.03.2019

Index: Yes/No

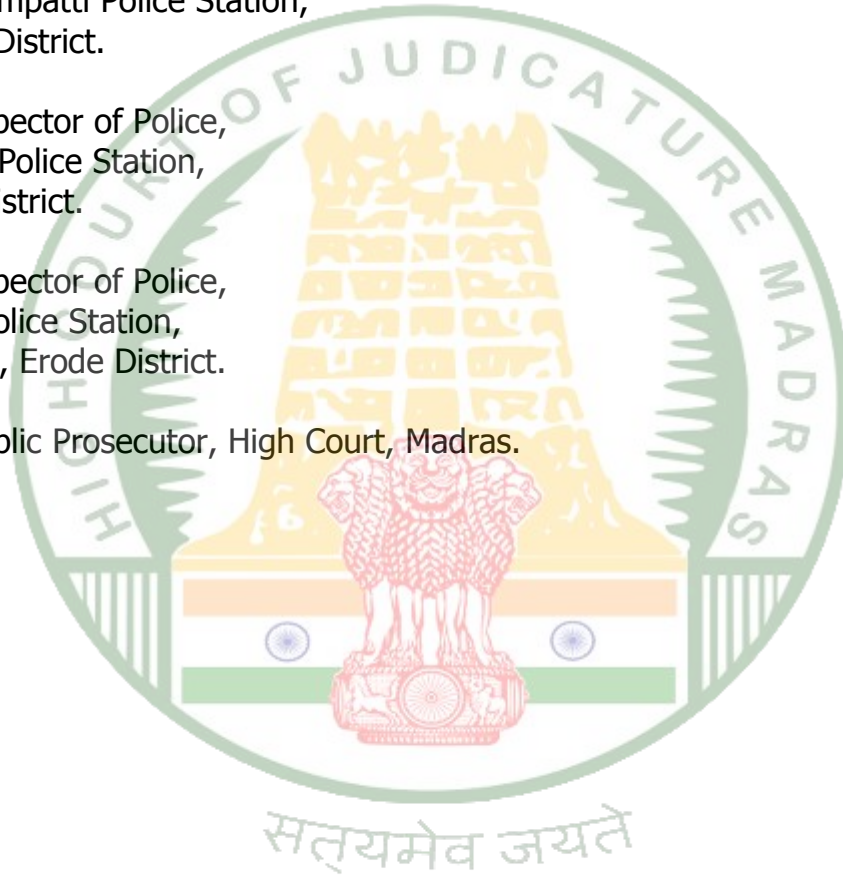
Internet: Yes/No

Speaking/Non speaking order

Note : Issue order copy on 29.03.2019

To

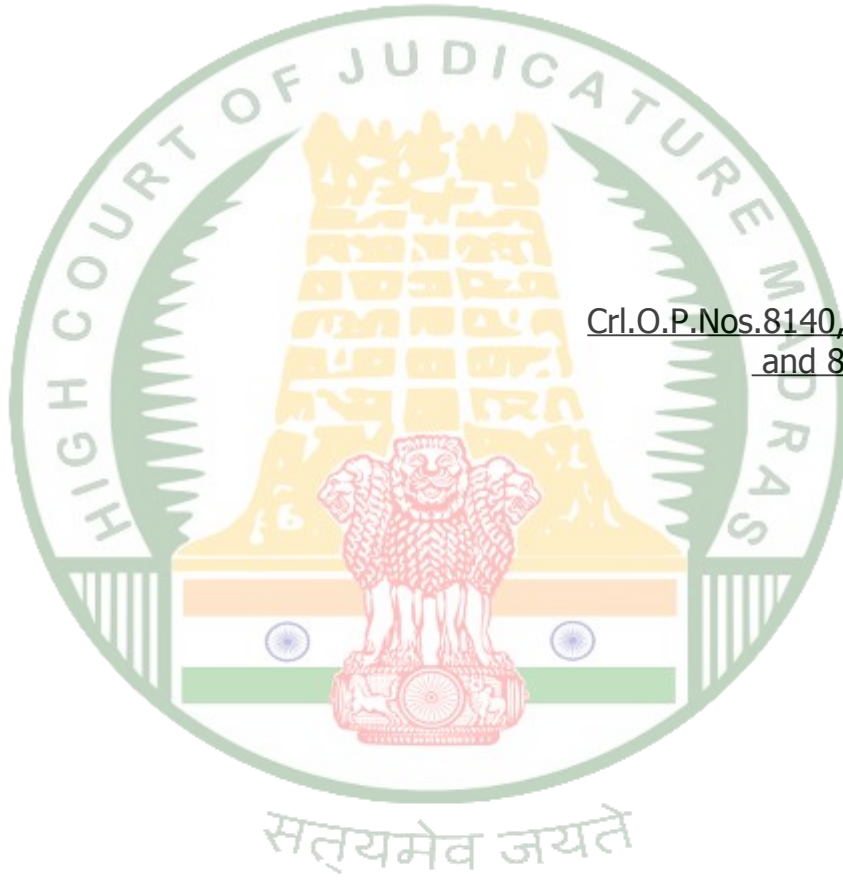
- 1.The Inspector of Police,
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- 2.The Inspector of Police,
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- 3.The Inspector of Police,
Omallur Police Station,
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- 4.The Inspector of Police,
Town Police Station,
Bhavani, Erode District.
5. The Public Prosecutor, High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

msm



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