

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 27.03.2019  
CORAM  
THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos. 8250, 8255, 8258, 8264 & 8267 of 2019

- |                   |    |                                |
|-------------------|----|--------------------------------|
| 1.C.Saravanan     | .. | Petitioner in Crl.OP.8250/2019 |
| 2.D.Selvakumar    | .. | Petitioner in Crl.OP.8255/2019 |
| 3.M.Gunasekaran   | .. | Petitioner in Crl.OP.8258/2019 |
| 4.V.Chandran      | .. | Petitioner in Crl.OP.8264/2019 |
| 5.S.Eswaramoorthy | .. | Petitioner in Crl.OP.8267/2019 |

VS

- |                                                                                    |    |                                        |
|------------------------------------------------------------------------------------|----|----------------------------------------|
| 1.The Superintendent of Police,<br>Salem, Salem District.                          | .. | Respondent in Crl.OP.8255/2019         |
| 2.The Inspector of Police,<br>Tharamangalam Police Station,<br>Salem District.     | .. | Respondent in Crl.OP.8255/2019         |
| 3. The Superintendent of Police,<br>Namakkal,<br>Namakkal District...              | .. | Respondent in Crl.OPs.8250 & 8267/2019 |
| 4.The Inspector of Police,<br>Molasi Police Station,<br>Namakkal District.         | .. | Respondent in Crl.OP.8250/2019         |
| 5.The Inspector of Police,<br>Pudhuchathiram Police Station,<br>Namakkal District. | .. | Respondent in Crl.OP.8267/2019         |
| 6.The Superintendent of Police,<br>Dharmapuri,<br>Dharmapuri District.             | .. | Respondent in Crl.OP.8258/2019         |
| 7. The Inspector of Police,<br>Perumpalai Police Station,<br>Dharmapuri District.  | .. | Respondent in Crl.OP.8258/2019         |
| 8.The Superintendent of Police,<br>Erode, Erode District.                          | .. | Respondent in Crl.OP.8264/2019         |

9. The Inspector of Police,  
Veerappan Chathiram Police Station,  
Erode District. .. Respondent in Crl.OP.8264/2019

Common Prayer: Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent authority to give police protection and permission to conduct Cultural Programme (Adal Padal Programme) in the event of (i) Arulmighu Sri Mariammal Thirukoil at Pottilipalayam, Eamappalli, Namakkal District on 28.03.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8250/2019, (ii) Arulmighu Sri Maha Sakthi Mariamman Thirukoil at Agaram, Thathathalipuram, Navanipallipatti, Namakkal District-637 108, on 12.04.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8267/2019, (iii) Arulmighu Sri Kodathala Mangala Mariamman Thirukoil at K.Pudur, Gendenahalli, Pennagaram, Dharmapuri-636 811 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8258/2019, (iv) Arulmighu Sri Maha Sakthi Mariamman Koil at Ram Nagar, Manichampalayam, Erode District on 03.04.2019 by considering the petitioner's representation dated 24.03.2019 to be Conduct on 01.05.2019 in Crl.OP.8264/2019 and (v) Arulmighu Sri Veppamarathu Kottai Mariamman Thirukoil at Kottaimedu, T.Konagapadi, Salem-636 502, on 29.03.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8255/2019 respectively.

For Petitioners : Mr.R.Gopinath  
[In all Crl.OPs]

For Respondents : Mr.C.Raghavan  
[In all Crl.OPs] Government Advocate (Criminal 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 Mariammal Thirukoil at Pottilipalayam, Eamappalli, Namakkal District on 28.03.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8250/2019, (ii) Arulmighu Sri Maha Sakthi Mariamman Thirukoil at Agaram, Thathathalipuram, Navanipallipatti, Namakkal District-637 108, on 12.04.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8267/2019, (iii) Arulmighu Sri Kodathala Mangala Mariamman Thirukoil at K.Pudur, Gendenahalli, Pennagaram, Dharmapuri-636 811 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8258/2019, (iv) Arulmighu Sri Maha Sakthi Mariamman

Koil at Ram Nagar, Manichampalayam, Erode District on 03.04.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8264/2019 and (v) Arulmighu Sri Veppamarathu Kottai Mariamman Thirukoil at Kottaimedu, T.Konagapadi, Salem-636 502, on 29.03.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8255/2019 respectively and the petitioners made representation dated 24.03.2019 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) Arulmighu Sri Mariammal Thirukoil at Pottilipalayam, Eamappalli, Namakkal District on 28.03.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8250/2019, (ii) Arulmighu Sri Maha Sakthi Mariamman Thirukoil at Agaram, Thathathalipuram, Navanipallipatti, Namakkal District-637 108, on 12.04.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8267/2019, (iii) Arulmighu Sri Kodathala Mangala Mariamman Thirukoil at K.Pudur, Gendenahalli, Pennagaram, Dharmapuri-636 811 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8258/2019, (iv) Arulmighu Sri Maha Sakthi Mariamman Koil at Ram Nagar, Manichampalayam, Erode District on 03.04.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8264/2019 and (v) Arulmighu Sri Veppamarathu Kottai Mariamman Thirukoil at Kottaimedu, T.Konagapadi, Salem-636 502, on 29.03.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8255/2019 respectively, however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Arulmighu Sri Mariammal Thirukoil at Pottilipalayam, Eamappalli, Namakkal District on 28.03.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8250/2019, (ii) Arulmighu Sri

Maha Sakthi Mariamman Thirukoil at Agaram, Thathathalipuram, Navanipallipatti, Namakkal District-637 108, on 12.04.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8267/2019, (iii) Arulmighu Sri Kodathala Mangala Mariamman Thirukoil at K.Pudur, Gendenahalli, Pennagaram, Dharmapuri-636 811 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8258/2019, (iv) Arulmighu Sri Maha Sakthi Mariamman Koil at Ram Nagar, Manichampalayam, Erode District on 03.04.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8264/2019 and (v) Arulmighu Sri Veppamarathu Kottai Mariamman Thirukoil at Kottaimedu, T.Konagapadi, Salem-636 502, on 29.03.2019 by considering the petitioner's representation dated 24.03.2019 in Crl.OP.8255/2019 respectively 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(CS)

//True Copy//

Sub Assistant Registrar

To

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

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

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

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

5.The Inspector of Police,  
Pudhuchathiram Police Station,  
Namakkal District.

6.The Superintendent of Police,  
Dharmapuri, Dharmapuri District.

7. The Inspector of Police,  
Perumpalai Police Station,  
Dharmapuri District.

8.The Superintendent of Police,  
Erode, Erode District.

9. The Inspector of Police,  
Veerappan Chathiram Police Station,  
Erode District.

10. The Public Prosecutor, High Court, Madras.

+5ccs to Mr.R.Gopinath , Advocate SR.No. 29021 to 29025

CrI.O.P.Nos. 8250, 8255, 8258,  
8264 & 8267 of 2019

A.SK(27/03/2019)

सत्यमेव जयते

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