

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos. 8585 & 8586 of 2019

G.Muthukumar

.. Petitioner in
Crl.O.P.No.8585 of 2019

S.Palanivel

.. Petitioner in
Crl.O.P.No.8586 of 2019

The Inspector of Police,
Karumalaikodal Police Station,
Karumalaikodal,
Salem District.

Vs

.. Respondents in
Crl.O.P.No.8585 of 2019

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

.. Respondents in
Crl.O.P.No.8586 of 2019

WEB COPY

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) Konur Village, Thippampatti Arulmigu Sree Muthu Mariamman Temple Festival at Mettur Taluk, Salem District on 04.04.2019 between

06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 26.03.2019 (ii) P.Mettupalayam Arulmigu Sree Adhi Maha Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 04.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 26.03.2019 respectively.

For Petitioners : Mr.A.Sathishkumar

For Respondents : Mr.C.Raghavan
Government Advocate (Criminal Side)

COMMON ORDER

Seeking permission to conduct cultural programmes in the event of (i) Konur Village, Thippampatti Arulmigu Sree Muthu Mariamman Temple Festival at Mettur Taluk, Salem District on 04.04.2019 (ii) P.Mettupalayam Arulmigu Sree Adhi Maha Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 04.04.2019 the petitioners made representation dated 26.03.2019 to the respondents. As the same has not been considered, the present Criminal Original petitions 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) Konur Village, Thippampatti Arulmigu Sree Muthu Mariamman Temple Festival at Mettur Taluk, Salem District on 04.04.2019 (ii) P.Mettupalayam Arulmigu Sree Adhi Maha Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 04.04.2019, however with the following conditions:-

(a) The cultural programme in connection with the event of (i) Konur Village, Thippampatti Arulmigu Sree Muthu Mariamman Temple Festival at Mettur Taluk, Salem District on 04.04.2019 (ii) P.Mettupalayam Arulmigu Sree Adhi Maha Mariamman Temple Festival at Tiruchengode 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 respondent is directed to issue necessary permission, incorporating the above conditions.

5. With the above directions, these Criminal Original Petitions stands allowed.

01.04.2019

Index:Yes/No
Internet:Yes/No
Speaking/Non speaking order
ssr/vsn

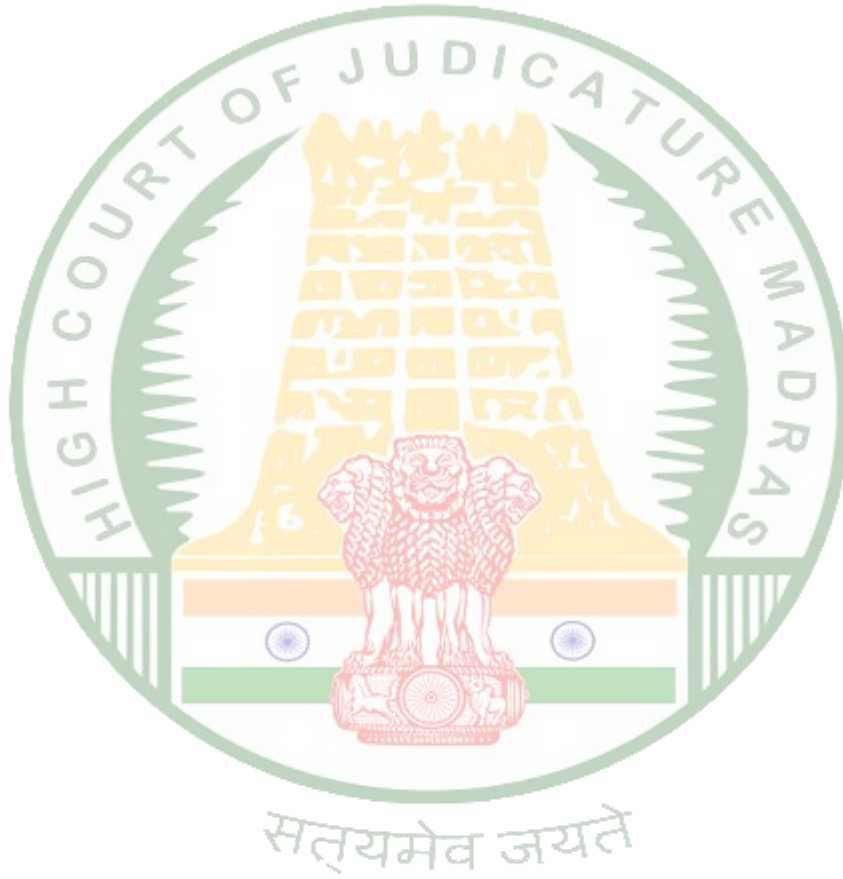
Note : Issue order copy on 02.04.2019

To

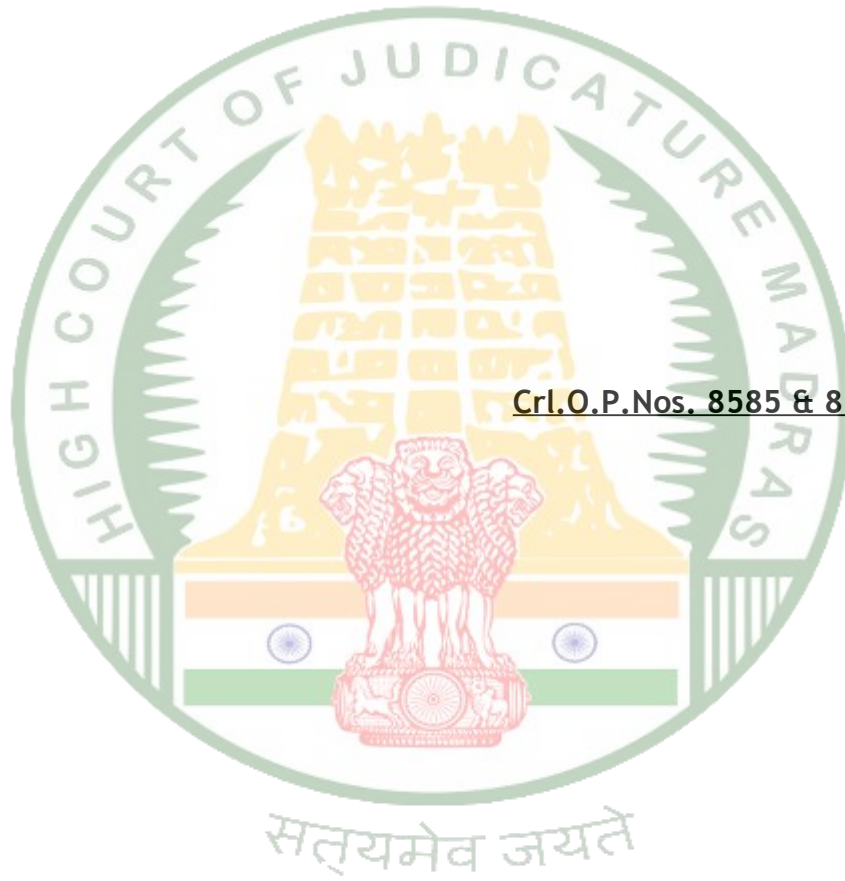
1. The Inspector of Police,
Karumalaikodal Police Station,
Karumalaikodal,
Salem District.

WEB COPY

2. The Inspector of Police,
Mallasamuthiram Police Station,
Mallasamuthiram,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.Nos. 8585 & 8586 of 2019

WEB COPY

22.03.2019