

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.8957,8960 and 8963 of 2019

K.Chinnapalayan

.. Petitioner in Crl.O.P.No.8957/2019

P.Kumar

.. Petitioner in Crl.O.P.No.8960/2019

M.Karuppuchetty

... Petitioner in Crl.O.P.No.8963/2019

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

... Respondents
in Crl.O.P.No.8957/2019

State rep. by
The Inspector of Police,
Omallur Police Station,
Salem District.

... Respondents in
Crl.O.P.No.8960/2019

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

..Respondents in
Crl.O.P.No.8963/2019

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) in the event of (i) Kozhikattanur Muthu Mariamman Temple festival at Salem District on 05.04.2019 by considering the petitioner's representation dated 29.03.2019(ii) Nallakoudampatti Sri Kannanur Mariamman Temple Festival at Salem District on 10.04.2019 by considering the petitioner's representation on 31.03.2019 (iii) Keeraikaranur Putru Mariamman Temple festival at Salem District on 11.04.2019 by considering the petitioners representation dated 29.03.2019.

For Petitioners : Mr.R.P.Murugan Raja
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) Kozhikattanur Muthu Mariamman Temple festival at Salem District on 05.04.2019 (ii) Nallakoudampatti Sri Kannanur Mariamman Temple Festival at Salem District on 10.04.2019 (iii) Keeraikaranur Putru Mariamman Temple festival at Salem District on 11.04.2019 the petitioners made representation dated 29.03.2019, 31.03.2019 and 29.03.2019 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) Kozhikattanur Muthu Mariamman Temple festival at Salem District on 05.04.2019 (ii) Nallakoudampatti Sri Kannanur Mariamman Temple Festival at Salem District on 10.04.2019 (iii) Keeraikaranur Putru Mariamman Temple festival at Salem District on 11.04.2019 however with the following conditions:-

(a) The petitioners shall pay a sum of Rs.10,000/- (Rupees ten thousand only) each, as charges, to the respondent Police and on receipt of the same, the respondent Police are directed to issue receipt and proceed further.

(b) The cultural programme in connection with the event of (i) Kozhikattanur Muthu Mariamman Temple festival at Salem District on 05.04.2019 (ii) Nallakoudampatti Sri Kannanur Mariamman Temple Festival at Salem District on 10.04.2019 (iii) Keeraikaranur Putru Mariamman Temple festival at Salem District on 11.04.2019 shall be conducted between 06.00 p.m. and 10.00 p.m.

(c) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(d) Double meaning songs should not be played so as to spoil the minds of students and youths.

(e) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(f) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(g) The functions shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(h) 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

(i) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit.

(j) The respondents are directed to issue necessary permission, incorporating the above conditions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Tharamangalam Police Station,
Salem District.
2. The Inspector of Police,
Omaller Police Station,
Salem District.
3. The Inspector of Police,
Mechary Police Station,
Salem District.

4.The Public Prosecutor,
High Court, Madras.

+3cc to Mr.R.P.Muruganraja, Advocate Sr.31821,31820,31822

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