

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.9003, 9006, 9008, 9010, 9012, and 9014 of 2019

R.Palaniyappan

... Petitioner in
Crl.O.P.No.9003 of 2019

M.Settu

... Petitioner in
Crl.O.P.No.9006 of 2019

A.Ashokan

... Petitioner in
Crl.O.P.No.9008 of 2019

T.Aranganathan

... Petitioner in
Crl.O.P.No.9010 of 2019

S.Ashok Kumaran

... Petitioner in
Crl.O.P.No.9012 of 2019

R.B.Murugan

... Petitioner in
Crl.O.P.No.9014 of 2019

Versus

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

सत्यमेव जयते

... Respondent in
Crl.O.P.No.9003 of 2019

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

... Respondent in
Crl.O.P.No.9006 of 2019

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

... Respondent in
Crl.O.P.No.9008 of 2019

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

... Respondent in
Crl.O.P.No.9010 of 2019

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

... Respondent in
Crl.O.P.No.9012 of 2019

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

... Respondent in
Crl.O.P.No.9014 of 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) Nallur Arulmigy Sree Mariamman Temple Festival at Paramathi Velur Taluk, Namakkal District on 08.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 30.03.2019 (ii) Sikkanampatti Arulmigu Sree Maha Mariamman Temple Festival at Omlaur Taluk, Salem District on 10.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 30.03.2019 (iii) Karuppur, Kollatheru Arulmigu Sree Sakthi Mariamman Temple Festival at Omalur Taluk, Salem District on 11.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 30.03.2019 (iv) Karumalaikodal Arulmigy Sree Chinna Mariamman Temple Festival at Mettur Taluk, Salem District on 11.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 30.03.2019 (v) Kunavelampattipudur Arulmigu Sree Mariamman Temple Festival at Rasipuram Taluk, Namakkal District on 11.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 30.03.2019 (vi) Arasamarathukarattur Arulmigu Sree Muth

Mariamman Temple Festival at Salem Taluk & District on 13.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 30.03.2019 respectively.

For Petitioner : Mr.A.Sathishkumar
in all Crl.O.Ps

For Respondent : Mr.C.Raghavan
in all Crl.O.Ps Government Advocate (Criminal Side)

C O M M O N O R D E R

Seeking permission to conduct cultural programme in the event of (i) Nallur Arulmigy Sree Mariamman Temple Festival at Paramathi Velur Taluk, Namakkal District on 08.04.2019 (ii) Sikkanampatti Arulmigu Sree Maha Mariamman Temple Festival at Omlaur Taluk, Salem District on 10.04.2019 (iii) Karuppur, Kollatheru Arulmigu Sree Sakthi Mariamman Temple Festival at Omalur Taluk, Salem District on 11.04.2019 (iv) Karumalaikodal Arulmigy Sree Chinna Mariamman Temple Festival at Mettur Taluk, Salem District on 11.04.2019 (v) Kunavelampattipudur Arulmigu Sree Mariamman Temple Festival at Rasipuram Taluk, Namakkal District on 11.04.2019 (vi) Arasamarathukarattur Arulmigu Sree Muth Mariamman Temple Festival at Salem Taluk & District on 13.04.2019 the petitioners made a representation dated 30.03.2019 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 petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

3. 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 representations. 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 petitioners are permitted to conduct cultural programme in the event of (i) Nallur Arulmigy Sree Mariamman Temple Festival at Paramathi Velur Taluk, Namakkal District on 08.04.2019 (ii) Sikkanampatti Arulmigu Sree Maha Mariamman Temple Festival at Omlaur Taluk, Salem District on 10.04.2019 (iii) Karuppur, Kollatheru Arulmigu Sree Sakthi Mariamman Temple Festival at Omalur Taluk, Salem District on 11.04.2019 (iv) Karumalaikodal Arulmigy Sree Chinna Mariamman Temple Festival at Mettur Taluk, Salem District on 11.04.2019 (v) Kunavelampattipudur Arulmigu

Sree Mariamman Temple Festival at Rasipuram Taluk, Namakkal District on 11.04.2019 (vi) Arasamarathukarattur Arulmigu Sree Muth Mariamman Temple Festival at Salem Taluk & District on 13.04.2019, however with the following conditions:-

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

(b) The cultural programme in connection with the event of (i) Nallur Arulmigy Sree Mariamman Temple Festival at Paramathi Velur Taluk, Namakkal District on 08.04.2019 (ii) Sikkanampatti Arulmigu Sree Maha Mariamman Temple Festival at Omlaur Taluk, Salem District on 10.04.2019 (iii) Karuppur, Kollatheru Arulmigu Sree Sakthi Mariamman Temple Festival at Omalur Taluk, Salem District on 11.04.2019 (iv) Karumalaikodal Arulmigy Sree Chinna Mariamman Temple Festival at Mettur Taluk, Salem District on 11.04.2019 (v) Kunavelampattipudur Arulmigu Sree Mariamman Temple Festival at Rasipuram Taluk, Namakkal District on 11.04.2019 (vi) Arasamarathukarattur Arulmigu Sree Muth Mariamman Temple Festival at Salem Taluk & District on 13.04.2019, 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 function 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.

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

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

ssr/rri

Sub Assistant Registrar

To

1. The Inspector of Police,
Nallur Police Station,
Nallur,
Namakkal District.
2. The Inspector of Police,
Omalur Police Station,
Omalur,
Salem District.
3. The Inspector of Police,
Karuppur Police Station,
Karuppur,
Salem District.
4. The Inspector of Police,
Karumalaikodal Police Station,
Karumalaikodal,
Salem District.
5. The Inspector of Police,
Puduchathiram Police Station,
Puduchathiram,
Namakkal District.
6. The Inspector of Police,
Kondalampatti Police Station,
Kondalampatti,
Salem District.
7. The Public Prosecutor
High Court, Madras.

+6 ccs to Mr.*, Advocate, S.R.No.32399 to 32404

Crl.O.P.Nos.9003, 9006, 9008,
9010, 9012, and 9014 of 2019

SSM(05/04/2019).