

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.9169 and 9175 of 2019

P.Murugesan

... Petitioner in
Crl.O.P.No.9169 of 2019

R.Ramaraj

.... Petitioner in
Crl.O.P.No.9175 of 2019

Versus

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

.... Respondent in
Crl.O.P.No.9169 of 2019

The Inspector of Police,
Gobichettipalayam Police Station,
Gobichettipalayam,
Erode District.

... Respondent in
Crl.O.P.No.9175 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) Kallipalayam, Arunthathiyar Street Arulmigu Sree Sakthi Mariamman Temple Festival at Sangakiri Taluk, Salem District on 05.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 01.04.2019 (ii) Soundappur Village, Thondrayankadu Arulmigu Sree Periyandavar Temple Festival at Gobichettipalayam Taluk, Erode District on 11.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 01.04.2019 respectively.

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

For Respondent : Mr.C.Raghavan
in both 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) Kallipalayam, Arunthathiyar Street Arulmigu Sree Sakthi Mariamman Temple Festival at Sangakiri Taluk, Salem District on 05.04.2019 (ii) Soundappur Village, Thondrayankadu Arulmigu Sree Periyandavar Temple Festival at Gobichettipalayam Taluk, Erode District on 11.04.2019 the petitioners made a representation dated 14.04.2019 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. 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) Kallipalayam, Arunthathiyar Street Arulmigu Sree Sakthi Mariamman Temple Festival at Sangakiri Taluk, Salem District on 05.04.2019 (ii) Soundappur Village, Thondrayankadu Arulmigu Sree Periyandavar Temple Festival at Gobichettipalayam Taluk, Erode 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) as charges, to the 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) Kallipalayam, Arunthathiyar Street Arulmigu Sree Sakthi Mariamman Temple Festival at Sangakiri Taluk, Salem District on 05.04.2019 (ii) Soundappur Village, Thondrayankadu Arulmigu Sree Periyandavar Temple Festival at Gobichettipalayam Taluk, Erode 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 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.
ssr/rri

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Gobichettipalayam Police Station,
Gobichettipalayam,
Erode District.

3. The Public Prosecutor
High Court, Madras.

+2cc to M/s.A.Sathish Kumar, Advocate, SR.NO.32406 & 32407

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Kak(04/04/2019)