

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.04.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.9734, 9737, 9741, 9745 and 9748 of 2019

A.Saravanan

.. Petitioner in
Crl.O.P.No.9734/2019

P.Ramachandiran

.. Petitioner in
Crl.O.P.No.9737/2019

S.Senthil

.. Petitioner in
Crl.O.P.No.9741/2019

R.Annadurai

.. Petitioner in
Crl.O.P.No.9745/2019

T.Arumugam

.. Petitioner in
Crl.O.P.No.9748/2019

Vs.

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

.. Respondent in Crl.O.P.No.9734/2019

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

.. Respondent in Crl.O.P.No.9737/2019

The Inspector of Police,
Magudanchavadi Police Station,
Kakkapalayam,
Salem District.

.. Respondent in Crl.O.P.No.9741/2019

The Inspector of Police,
M-2, Kammapuram Police Station,
Kammapuram,
Cuddalore District.

.. Respondent in Crl.O.P.No.9745/2019

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

.. Respondent in CrI.O.P.No.9748/2019

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) Karumbusaliyur Arulmigu Sree Sakthi Mariamman Temple festival at Mettur Taluk, Salem District on 12.04.2019 between 06.00 p.m to 11.00 p.m based on petitioner's representation dated 06.04.2019. (ii) Irumbalai Arulmighu Sree Moongil Kuthu Kaliyamman Temple Festival at Salem Taluk & District on 21.04.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation on 05.04.2019 (iii) Nettiayanur Arulmigu Sree Mariamman Temple festival at Sankagiri Taluk, Salem District on 24.04.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 05.04.2019 (iv) Gobalapuram Arulmigu Sree Makaliyamman & Vinayagar Temple festival at Virudachalam Taluk, Cuddalore District on 29.04.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 02.04.2019 (v) Kalarampatti Arulmigu Sree Mariamman Temple festival at Attur Taluk, Salem District on 08.05.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 05.04.2019.

For Petitioner in All CrI.O.Ps : Mr.A.Sathishkumar
For Respondents in All CrI.O.Ps : Mr.C.Raghavan
Govt. Advocate (CrI.Side)

C O M M O N O R D E R

Seeking permission to conduct cultural programmes in the event of (i) Karumbusaliyur Arulmigu Sree Sakthi Mariamman Temple festival at Mettur Taluk, Salem District on 12.04.2019 (ii) Irumbalai Arulmighu Sree Moongil Kuthu Kaliyamman Temple Festival at Salem Taluk & District on 21.04.2019 (iii) Nettiayanur Arulmigu Sree Mariamman Temple festival at Sankagiri Taluk, Salem District on 24.04.2019 (iv) Gobalapuram Arulmigu Sree Makaliyamman & Vinayagar Temple festival at Virudachalam Taluk, Cuddalore District on 29.04.2019 (v) Kalarampatti Arulmigu Sree Mariamman Temple festival at Attur Taluk, Salem District on 08.05.2019, the petitioners made representation dated 02.04.2019, 05.04.2019 and 06.04.2019 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 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) Karumbusaliyur Arulmigu Sree Sakthi Mariamman Temple festival at Mettur Taluk, Salem District on 12.04.2019 (ii) Irumbalai Arulmighu Sree Moongil Kuthu Kaliyamman Temple Festival at Salem Taluk & District on 21.04.2019 (iii)Nettaiyanur Arulmigu Sree Mariamman Temple festival at Sankagiri Taluk, Salem District on 24.04.2019 (iv) Gobalapuram Arulmigu Sree Makaliyamman & Vinayagar Temple festival at Virudachalam Taluk, Cuddalore District on 29.04.2019 (v) Kalarampatti Arulmigu Sree Mariamman Temple festival at Attur Taluk, Salem District on 08.05.2019, 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) Karumbusaliyur Arulmigu Sree Sakthi Mariamman Temple festival at Mettur Taluk, Salem District on 12.04.2019 (ii) Irumbalai Arulmighu Sree Moongil Kuthu Kaliyamman Temple Festival at Salem Taluk & District on 21.04.2019 (iii)Nettaiyanur Arulmigu Sree Mariamman Temple festival at Sankagiri Taluk, Salem District on 24.04.2019 (iv) Gobalapuram Arulmigu Sree Makaliyamman & Vinayagar Temple festival at Virudachalam Taluk, Cuddalore District on 29.04.2019 (v) Kalarampatti Arulmigu Sree Mariamman Temple festival at Attur Taluk, Salem District on 08.05.2019, 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,
Mecheri Police Station,
Mecheri, Salem District.
- 2.The Inspector of Police,
Irumbalai Police Station,
Irumbalai,
Salem District.
- 3.The Inspector of Police,
Magudanchavadi Police Station,
Kakkapalayam,
Salem District.
- 4.The Inspector of Police,
M-2, Kammapuram Police Station,
Kammapuram,
Cuddalore District.
- 5.The Inspector of Police,
Malliyakarai Police Station,
Malliyakarai, Salem District.

6.The Public Prosecutor,
High Court, Madras.

+5cc to Mr.A.Sathishkumar, Advocate sr.no.35470 to 35474

Crl.O.P.Nos.9734, 9737, 9741, 9745 and 9748 of 2019

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