

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.04.2019

CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.10040, 10042,10044 and 10045 of 2019

R.Sambath

.. Petitioner in
Crl.O.P.No.10040/2019

A.Ramachandran

.. Petitioner in
Crl.O.P.No.10042/2019

T.Thirupathi

.. Petitioner in
Crl.O.P.No.10044/2019

R.Sivakumar

.. Petitioner in
Crl.O.P.No.10045/2019

Vs.

1.The Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.

2.The Inspector of Police,
Santhavasal Police Station,
Polur Taluk,
Tiruvannamalai District.

.. Respondents in
Crl.O.P.No.10040/2019

1.The Superintendent of Police,
Viluppuram, Viluppuram District.

2.The Inspector of Police,
Manalurpet Police Station,
Sankarapuram,
Viluppuram District.

.. Respondents in
Crl.O.P.No.10042/2019

1.The Superintendent of Police,
Krishnagiri, Krishnagiri District.

2.The Inspector of Police,
Rayakottai Police Station,
Rayakottai Taluk,
Krishnagiri District.

.. Respondents
in Crl.O.P.No.10044/2019

1.The Superintendent of Police,
Vellore, Vellore District.

2.The Inspector of Police,
Melpatti Police Station,
Pernambut Taluk,
Vellore District.

.. Respondents in
Crl.O.P.No.10045/2019

Common Prayer: Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, to direct the respondent to grant permission to perform of 'Adal Padal' in the event of (i) Sri Mariamman & Sri Kaliamman Temple Car festival at Athuvambadi Village, Athuvambadi Post, Polur Taluk, Tiruvannamalai District on 19.04.2019 at about 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 02.04.2019. (ii) Sri Muniswaran Temple festival at Tiruvarangam Village, Tiruvarangam Post, Sankarapuram Taluk, Viluppuram District on 25.04.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 02.04.2019 (iii) Sri Mandu Mariamman Temple Festival at Kanavayur Village, Balikanoor Post, Rayakottai Taluk, Krishnagiri District on 26.04.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation on 02.04.2019 (iv) Sri Thirupati Gangaianman Temple festival at M.V.Kuppam Village, M.V.Kuppam Post, Pernambut Taluk, Vellore District on 12.07.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 02.04.2019.

For Petitioner in All Crl.O.Ps : Mr.S.Mahilnathan

For Respondents in All Crl.O.Ps: 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) Sri Mariamman & Sri Kaliamman Temple Car festival at Athuvambadi Village, Athuvambadi Post, Polur Taluk, Tiruvannamalai District on 19.04.2019 (ii) Sri Muniswaran Temple festival at Tiruvarangam Village, Tiruvarangam Post, Sankarapuram Taluk, Viluppuram District on 25.04.2019 (iii) Sri Mandu Mariamman Temple Festival at Kanavayur Village, Balikanoor Post, Rayakottai Taluk, Krishnagiri District on 26.04.2019 (iv) Sri Thirupati Gangaianman Temple festival at M.V.Kuppam Village, M.V.Kuppam Post, Pernambut Taluk, Vellore District on 12.07.2019, the petitioners made representation dated 02.04.2019 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) Sri Mariamman & Sri Kaliamman Temple Car festival at Athuvambadi Village, Athuvambadi Post, Polur Taluk, Tiruvannamalai District on 19.04.2019 (ii) Sri Muniswaran Temple festival at Tiruvarangam Village, Tiruvarangam Post, Sankarapuram Taluk, Viluppuram District on 25.04.2019 (iii) Sri Mandu Mariamman Temple Festival at Kanavayur Village, Balikanoor Post, Rayakottai Taluk, Krishnagiri District on 26.04.2019 (iv) Sri Thirupati Gangaianman Temple festival at M.V.Kuppam Village, M.V.Kuppam Post, Pernambut Taluk, Vellore District on 12.07.2019, 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) Sri Mariamman & Sri Kaliamman Temple Car festival at Athuvambadi Village, Athuvambadi Post, Polur Taluk, Tiruvannamalai District on 19.04.2019 (ii) Sri Muniswaran Temple festival at Tiruvarangam Village, Tiruvarangam Post, Sankarapuram Taluk, Viluppuram District on 25.04.2019 (iii) Sri Mandu Mariamman Temple Festival at Kanavayur Village, Balikanoor Post, Rayakottai Taluk, Krishnagiri District on 26.04.2019 (iv) Sri Thirupati Gangaianman Temple festival at M.V.Kuppam Village, M.V.Kuppam Post, Pernambut Taluk, Vellore District on 12.07.2019, 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 (CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.
2. The Inspector of Police,
Santhavasal Police Station,
Polur Taluk,
Tiruvannamalai District.
3. The Superintendent of Police,
Viluppuram,
Viluppuram District.
4. The Inspector of Police,
Manalurpet Police Station,
Sankarapuram,
Viluppuram District.
5. The Superintendent of Police,
Krishnagiri, Krishnagiri District.
6. The Inspector of Police,
Rayakottai Police Station,
Rayakottai Taluk,
Krishnagiri District.
7. The Superintendent of Police,
Vellore, Vellore District.
8. The Inspector of Police,
Melpatti Police Station,
Pernambut Taluk,
Vellore District.

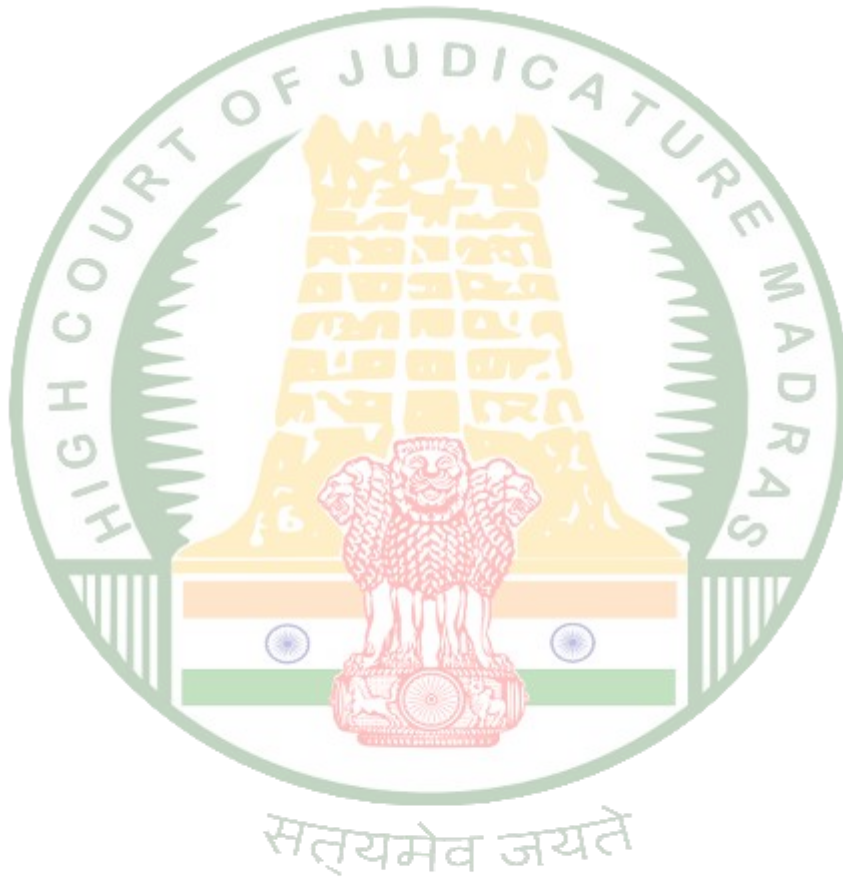
9.The Public Prosecutor,
High Court, Madras.

+4ccs to Mr.S.Mayilnathan, Advocate, S.R.Nos.36469 to 36472

Crl.O.P.Nos.10040, 10042,10044 and
10045 of 2019

VBA (CO)

RRS (15/04/2019)



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