

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :12.04.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.10114, 10115, 10116 & 10118 of 2019

G.Gunasekaran Gounder

.. Petitioner in Crl.O.P.No.10114/2019
E.Venkatesan .. Petitioner in Crl.O.P.No.10115/2019
P.Vadivel .. Petitioner in Crl.O.P.No.10116/2019
V.Pratheepkumar .. Petitioner in Crl.O.P.No.10118/2019

Vs.

1.The Superintendent of Police,
Krishagiri, Krishnagiri District-635 001

2.The Inspector of Police.
Kaveripattinam Police Station,
Krishnagiri taluk,
Krishnagiri District-635 112

.. Respondents in
Crl.O.P.No.10114/2019

1.The Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District-606 001

2.The Inspector of Police,
Pachal Police Station,
Chengam Taluk,
Tiruvannamalai District -606 704.

.. Respondents in
Crl.O.P.No.10115/2019

1.The Superintendent of Police,
Dharmapuri, Dharmapuri District-635 001.

2.The Inspector of Police,
Karimangalam Police Station,
Karimangalam Taluk,
Dharmapuri District-635 111.

.. Respondents in
Crl.O.P.No.10116/2019

1.The Superintendent of Police,
Vellore, Vellore District -632 001

2.The Inspector of Police,
Virudampattu Police Station,
Katpadi Taluk,
Vellore District-632 006.

.. Respondents in
Crl.O.P.No.10118/2019

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 (Song and Dance) in the event of (i) 'Sri Lakshmi Narasimma Swamy Temple festival' is situated at Kadhiripuram Village, Kadhiripuram Post, Krishnagiri taluk, Krishnagiri District on 15.04.2019 at 6.00 P.M to 11.0 P.M by considering the petitioner's representation dated 23.03.2019(ii) 'Sri Selva Vinayakar Temple Kumbabishekam festival' is situated at Melnachipattu Village, Melnachipattu Post, Chenagam Taluk, Tiruvannamalai District on 25.04.2019 at about 6.00 P.M to 11.0 P.M by considering the petitioner's representation on 02.04.2019 (iii) 'Sri Jadai Mariamman Temple festival' is situated at Kayirukaran Kottai village, Kerakodaalli Post, Karimangalam Taluk, Dharmapuri District on 25.04.2019 about 06.00P.M to 11.00 P.M by considering the petitioner's representation dated 23.03.2019 (iv) 'Sri Mariamman Temple festival' is situated at Senur Village, Senur Post, Katpadi Taluk, Vellore District on 21.04.2019 about 06.00 P.M. To 11.00 P.M by considering the petitioner's representation dated 02.04.2019 respeptively.

For Petitioners : Mr.S.Mayilnathan
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) 'Sri Lakshmi Narasimma Swamy Temple festival' is situated at Kadhiripuram Village, Kadhiripuram Post, Krishnagiri taluk, Krishnagiri District on 15.04.2019 (ii) 'Sri Selva Vinayakar Temple Kumbabishekam festival' is situated at Melnachipattu Village, Melnachipattu Post, Chenagam Taluk, Tiruvannamalai District on 25.04.2019 (iii) 'Sri Jadai Mariamman Temple festival' is situated at Kayirukaran Kottai village, Kerakodaalli Post, Karimangalam Taluk, Dharmapuri District on 25.04.2019 (iv) 'Sri Mariamman Temple festival' is

situated at Senur Village, Senur Post, Katpadi Taluk, Vellore District on 21.04.2019 the petitioners made representation dated 23.03.2019, 02.04.2019, 23.03.2019 and 02.04.2019 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) 'Sri Lakshmi Narasimma Swamy Temple festival' is situated at Kadhiripuram Village, Kadhiripuram Post, Krishnagiri taluk, Krishnagiri District District on 15.04.2019 (ii) 'Sri Selva Vinayakar Temple Kumbabishekam festival' is situated at Melnachipattu Village, Melnachipattu Post, Chenagam Taluk, Tiruvannamalai District on 25.04.2019 (iii) 'Sri Jadai Mariamman Temple festival' is situated at Kayirukaran Kottai village, Kerakodaalli Post, Karimangalam Taluk, Dharmapuri District on 25.04.2019 (iv) 'Sri Mariamman Temple festival' is situated at Senur Village, Senur Post, Katpadi Taluk, Vellore District on 21.04.2019 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) 'Sri Lakshmi Narasimma Swamy Temple festival' is situated at Kadhiripuram Village, Kadhiripuram Post, Krishnagiri taluk, Krishnagiri District District on 15.04.2019 (ii) 'Sri Selva Vinayakar Temple Kumbabishekam festival' is situated at Melnachipattu Village, Melnachipattu Post, Chenagam Taluk, Tiruvannamalai District on 25.04.2019 (iii) 'Sri Jadai Mariamman Temple festival' is situated at Kayirukaran Kottai village, Kerakodaalli Post, Karimangalam Taluk, Dharmapuri District on 25.04.2019 (iv) 'Sri Mariamman Temple festival' is situated at Senur Village, Senur Post, Katpadi Taluk, Vellore District on 21.04.2019 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(CS vi)

//True Copy//

Sub Assistant Registrar

vsn/mpa

To

- 1.The Superintendent of Police,
Krishnagiri, Krishnagiri District-635 001
- 2.The Inspector of Police. Kaveripattinam Police Station,
Krishnagiri taluk, Krishnagiri District-635 112
- 3.The Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District-606 001
- 4.The Inspector of Police, Pachal Police Station,
Chengam Taluk, Tiruvannamalai District -606 704.
- 5.The Superintendent of Police,
Dharmapuri, Dharmapuri District-635 001.
- 6.The Inspector of Police, Karimangalam Police Station,
Karimangalam Taluk, Dharmapuri District-635 111.
- 7.The Superintendent of Police, Vellore, Vellore District
-632 001
- 8.The Inspector of Police, Virudampattu Police Station,
Katpadi Taluk, Vellore District-632 006.
- 9.The Public Prosecutor, High Court, Madras.

+4ccs to Mr.S.Mayilnathan , Advocate SR.No. 36465 to 36468

Cr1.O.P.Nos.10114, 10115, 10116 & 10118 of 2019

A.SK(12/04/2019)