

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.10073, 10076, 10079, 10080 and 10088 of 2019

S.Sellappan

.. Petitioner in
Crl.O.P.No.10073/2019

P.Prabakaran

.. Petitioner in
Crl.O.P.No.10076/2019

J.Ramesh

.. Petitioner in
Crl.O.P.No.10079/2019

T.Selvaraj

.. Petitioner in
Crl.O.P.No.10080/2019

T.Elangovan

.. Petitioner in
Crl.O.P.No.10088/2019

Vs.

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

.. Respondent in Crl.O.P.No.10073/2019

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

.. Respondents in
Crl.O.P.No.10076/2019

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

.. Respondents in
Crl.O.P.No.10079/2019

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

.. Respondents in CrI.O.P.No.10080/2019

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

.. Respondents in CrI.O.P.No.10088/2019

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) Keripatti Arulmigu Sree Selva Mariamman Temple festival at Attur Taluk, Salem District on 19.04.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 08.04.2019. (ii) Sengodampalayam Arulmigu Sree Sadayachiamman Temple festival at Namakkal Taluk & District on 27.04.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 08.04.2019 (iii) Sengunam Village, Kollaimeedu Arulmigu Sree Mariamman Temple Festival at Polur Taluk, Tiruvannamalai District on 30.04.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation on 09.04.2019 (iv) Namakkal, Pillaiyar Kovil Street Arulmigu Sree Vinayagar & Palapattarai Mariamman Temple festival at Namakkal Taluk & District on 28.05.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 08.04.2019 (v) Kuthiraikaranur Arulmigu Sree Sakthi Mariamman Temple Festival at Mettur Taluk, Salem District on 01.05.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation ated 08.04.2019.

For Petitioner in All CrI.O.Ps
For Respondents in All CrI.O.Ps

: Mr.A.Sathishkumar
: Mr.C.Raghavan
Govt. Advocate (CrI.Side)

WEB COPY
COMMON ORDER

Seeking permission to conduct cultural programmes in the event of (i) Keripatti Arulmigu Sree Selva Mariamman Temple festival at Attur Taluk, Salem District on 19.04.2019 (ii) Sengodampalayam Arulmigu Sree Sadayachiamman Temple festival at Namakkal Taluk & District on 27.04.2019 (iii) Sengunam Village, Kollaimeedu Arulmigu Sree Mariamman Temple Festival at Polur Taluk, Tiruvannamalai District on 30.04.2019

(iv) Namakkal, Pillaiyar Kovil Street Arulmigu Sree Vinayagar & Palapattarai Mariamman Temple festival at Namakkal Taluk & District on 28.05.2019 (v) Kuthiraikaranur Arulmigu Sree Sakthi Mariamman Temple Festival at Mettur Taluk, Salem District on 01.05.2019, the petitioners made representation dated 08.04.2019, 09.04.2019 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) Keripatti Arulmigu Sree Selva Mariamman Temple festival at Attur Taluk, Salem District on 19.04.2019 (ii) Sengodampalayam Arulmigu Sree Sadayachiamman Temple festival at Namakkal Taluk & District on 27.04.2019 (iii) Sengunam Village, Kollaimesu Arulmigu Sree Mariamman Temple Festival at Polur Taluk, Tiruvannamalai District on 30.04.2019 (iv) Namakkal, Pillaiyar Kovil Street Arulmigu Sree Vinayagar & Palapattarai Mariamman Temple festival at Namakkal Taluk & District on 28.05.2019 (v) Kuthiraikaranur Arulmigu Sree Sakthi Mariamman Temple Festival at Mettur Taluk, Salem District on 01.05.2019, 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) Keripatti Arulmigu Sree Selva Mariamman Temple festival at Attur Taluk, Salem District on 19.04.2019 (ii) Sengodampalayam Arulmigu Sree Sadayachiamman Temple festival at Namakkal Taluk & District on 27.04.2019 (iii) Sengunam Village, Kollaimesu Arulmigu Sree Mariamman Temple Festival at Polur Taluk, Tiruvannamalai District on 30.04.2019 (iv) Namakkal, Pillaiyar Kovil Street Arulmigu Sree Vinayagar & Palapattarai Mariamman Temple festival at Namakkal Taluk & District on 28.05.2019 (v) Kuthiraikaranur Arulmigu Sree Sakthi Mariamman Temple Festival

at Mettur Taluk, Salem District on 01.05.2019, 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(CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

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

WEB COPY

2.The Inspector of Police,
Velagoundampatti Police Station,
Velagoundampatti,
Namakkal District.

3.The Inspector of Police,
Polur Police Station,
Polur Taluk,
Tiruvannamalai District.

4.The Inspector of Police,
Namakkal Police Station,
Namakkal Taluk,
Namakkal District.

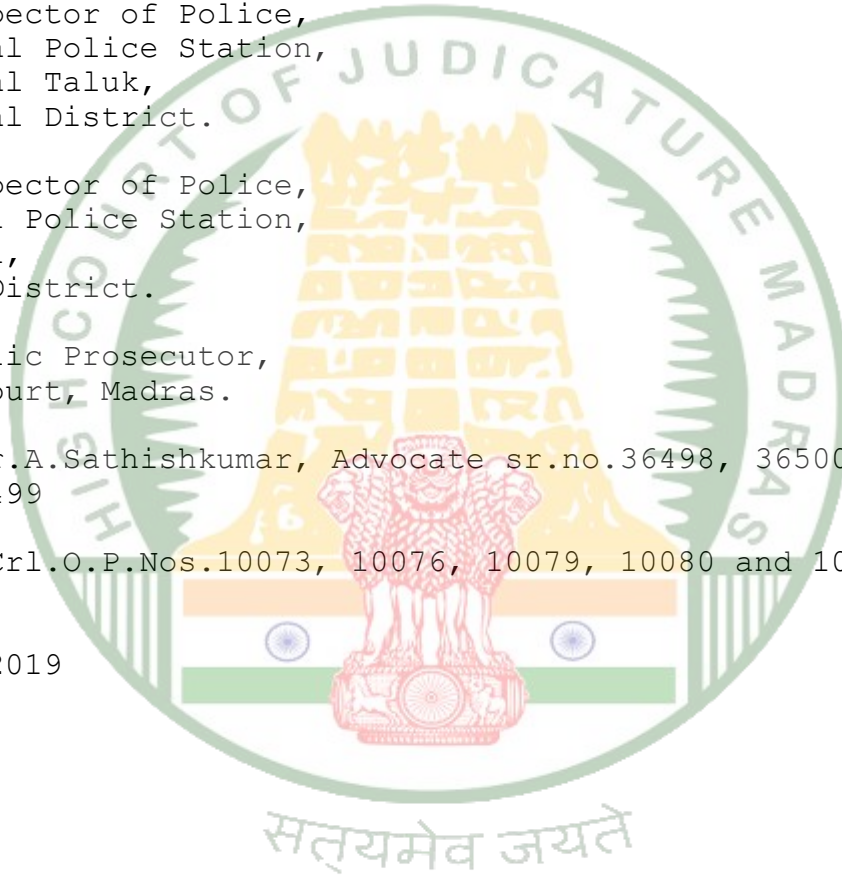
5.The Inspector of Police,
Mecheri Police Station,
Mecheri,
Salem District.

6.The Public Prosecutor,
High Court, Madras.

+5cc to Mr.A.Sathishkumar, Advocate sr.no.36498, 36500, 36497,
36522, 36499

CrI.O.P.Nos.10073, 10076, 10079, 10080 and 10088 of 2019

jp(co)
nr 16/04/2019



WEB COPY