

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :24.04.2019

CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.10860, 10863, 10865, 10867 and 10868 of 2019

A.Viswanathan

.. Petitioner
in Crl.O.P.No.10860/2019

S.Munusamy

.. Petitioner
in Crl.O.P.No.10863/2019

P.Thangavel

.. Petitioner
in Crl.O.P.No.10865/2019

M.Prabu

.. Petitioner
in Crl.O.P.No.10867/2019

M.D.Mahadevan

.. Petitioner
in Crl.O.P.No.10868/2019

Vs.

The Inspector of Police,
Udhayarpalayam Police Station,
Udhayarpalayam,
Ariyalur District.

.. Respondent in
Crl.O.P.No.10860/2019

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

.. Respondent in
Crl.O.P.No.10863/2019

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

..Respondent in
Crl.O.P.No.10865/2019

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

..Respondent in
Crl.O.P.No.10867/2019

The Inspector of Police,
K.V.Kuppam Police Station,
K.V.Kuppam,
Vellore District.

..Respondent in
Crl.O.P.No.10868/2019

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) T.Pottakkollai Arulmigu Sree Mariamman Temple festival at Udhayarpalayam Taluk, Ariyalur District on 26.04.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation dated 20.04.2019(ii) Pudur Kallankuthur Arulmigu Sree Mariamman Temple Festival at T.V.S. Main Road, Near 40 Feet Road, Pudur, Salem Taluk & District on 28.04.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation on 20.04.2019 (iii) Kondappanaickanpatti, Muyal Nagar Arulmigu Sree Muthu Mariamman Temple festival at Salem Taluk & District on 30.04.2019 between 06.00PM to 11.00PM by considering the Petitioner's representation dated 20/04/2019 (iv) Thippathampatti Arulmigu Sree Sakthi Mariamman Temple Festival at Mettur Taluk, Salem District on 30.04.2019 between 06.00PM to 11.00PM by considering the Petitioner's representation dated 20/04/2019 (v) Machanur Village Arulmigu Sree Gengaiamman Temple Festival at Katpadi Taluk, Vellore District on 01.05.2019 between 06.00PM to 11.00PM by considering the Petitioner's representation dated 20.04.2019.

For Petitioners : Mr.A.Sathishkumar
in all OPs

For Respondents : M.Mohamed Riyaz
in all OPs

C O M M O N O R D E R

Seeking permission to conduct cultural programmes in the event of (i) T.Pottakkollai Arulmigu Sree Mariamman Temple festival at Udhayarpalayam Taluk, Ariyalur District on 26.04.2019 (ii) Pudur Kallankuthur Arulmigu Sree Mariamman Temple Festival at T.V.S. Main Road, Near 40 Feet Road, Pudur, Salem Taluk & District on 28.04.2019 (iii) Kondappanaickanpatti, Muyal Nagar Arulmigu Sree Muthu Mariamman Temple festival at Salem Taluk & District on 30.04.2019 (iv) Thippathampatti Arulmigu Sree Sakthi Mariamman Temple Festival at Mettur Taluk, Salem District on 30.04.2019 (v) Machanur Village Arulmigu Sree Gengaiamman Temple Festival at Katpadi Taluk, Vellore District on 01.05.2019, the petitioners made representation dated 20.04.2019 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 Additional Public Prosecutor appearing for the respondents.

3. The learned Additional Public Prosecutor, 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) T.Pottakkollai Arulmigu Sree Mariamman Temple festival at Udhayarpalayam Taluk, Ariyalur District on 26.04.2019 (ii) Pudur Kallankuthur Arulmigu Sree Mariamman Temple Festival at T.V.S. Main Road, Near 40 Feet Road, Pudur, Salem Taluk & District on 28.04.2019 (iii) Kondappanaickanpatti, Moyal Nagar Arulmigu Sree Muthu Mariamman Temple festival at Salem Taluk & District on 30.04.2019 (iv) Thippathampatti Arulmigu Sree Sakthi Mariamman Temple Festival at Mettur Taluk, Salem District on 30.04.2019 (v) Machanur Village Arulmigu Sree Gengaiamman Temple Festival at Katpadi Taluk, Vellore 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) T.Pottakkollai Arulmigu Sree Mariamman Temple festival at Udhayarpalayam Taluk, Ariyalur District on 26.04.2019 (ii) Pudur Kallankuthur Arulmigu Sree Mariamman Temple Festival at T.V.S. Main Road, Near 40 Feet Road, Pudur, Salem Taluk & District on 28.04.2019 (iii) Kondappanaickanpatti, Moyal Nagar Arulmigu Sree Muthu Mariamman Temple festival at Salem Taluk & District on 30.04.2019 (iv) Thippathampatti Arulmigu Sree Sakthi Mariamman Temple Festival at Mettur Taluk, Salem District on 30.04.2019 (v) Machanur Village Arulmigu Sree Gengaiamman Temple Festival at Katpadi Taluk, Vellore 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//

Sub Assistant Registrar

mpa

To

- 1.The Inspector of Police,
Udhayarpalayam Police Station,
Udhayarpalayam,
Ariyalur District.
- 2.The Inspector of Police,
Hasthampatti Police Station,
Hasthampatti,
Salem District.
- 3.The Inspector of Police,
Kannankurichi Police Station,
Kannankurichi,
Salem District.
- 4.The Inspector of Police,
Mecheri Police Station,
Mecheri,
Salem District.
- 5.The Inspector of Police,
K.V.Kuppam Police Station,
K.V.Kuppam,
Vellore District.

6.The Public Prosecutor,
High Court, Madras.

+5ccs to Mr.A.Sathishkumar, Advocate, S.R.Nos.39487 to 39491

CrI.O.P.Nos.10860, 10863,
10865, 10867 and 10868 of 2019

RJI (CO)

RRS (25/04/2019)



WEB COPY