

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.11249 and 11242 of 2019

S.Paramasivam

.. Petitioner in
Crl.O.P.No.11249/2019

V.Subramaniyan

.. Petitioner in
Crl.O.P.No.11242/2019

Vs.

The Inspector of Police,
D4-Irumbalai Police Station,
M.Kollapatti,
Salem District.

.. Respondent
in Crl.O.P.No.11249/2019

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

.. Respondent in
Crl.O.P.No.11242/2019

Common Prayer: Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, to direct the respondent to grant permission and police protection to conduct the cultural event viz., Adal Padal (Song and Dance) programme in the event of (i) Sri Salangai Oli Mariyamman Temple festival at Vattamuthambpatti (New Colony) Village, Salem District on 04.05.2019 by considering the petitioner's representation dated 21.04.2019 (ii) Arulmigu Sri Mariyamman Temple Festival at Podhuppatti Village, Namakkal Taluk and District on 30.04.2019 by considering the petitioner's representation on 23.04.2019.

For Petitioners : Mr.S.Sathish

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 Salangai Oli Mariyamman Temple festival at Vattamuthambpatti (New Colony) Village, Salem District on 04.05.2019 (ii) Arulmigu Sri Mariyamman Temple Festival at Podhuppatti Village, Namakkal Taluk and District on 30.04.2019, the petitioners made representation dated 21.04.2019 and 23.04.2019 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 Salangai Oli Mariyamman Temple festival at Vattamuthambpatti (New Colony) Village, Salem District on 04.05.2019 (ii) Arulmigu Sri Mariyamman Temple Festival at Podhuppatti Village, Namakkal Taluk and District on 30.04.2019 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 Salangai Oli Mariyamman Temple festival at Vattamuthambpatti (New Colony) Village, Salem District on 04.05.2019 (ii) Arulmigu Sri Mariyamman Temple Festival at Podhuppatti Village, Namakkal Taluk and District on 30.04.2019, 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 III)

//True Copy//

Sub Assistant Registrar

mpa

To

1. The Inspector of Police,
D4-Irumbalai Police Station,
M.Kollapatti,
Salem District.
2. The Inspector of Police,
Namakkal Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.S.Sathish, Advocate, S.R.No.40266, 40625

WEB COPY

Cr1.O.P.Nos.11249 and 11242 of 2019

CNR(CO)
CS/27/04/2019