

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.11243, 11251, 11255 and 11262 of 2019

M.Mathivanan

.. Petitioner in
Crl.O.P.No.11243/2019

C.Natarajan

.. Petitioner in
Crl.O.P.No.11251/2019

M.Pachamuthu

... Petitioner in
Crl.O.P.No.11255/2019

P.Rajkumar

... Petitioner in
Crl.O.P.No.11262/2019

Vs.

State Rep by
The Inspector of Police,
Bhavani Police Station,
Bhavani,
Erode District.

.. Respondent
in Crl.O.P.No.11243/2019

State rep by
The Inspector of Police,
Kangikovil Police Station,
Kangikovil,
Erode District.

.. Respondent in
Crl.O.P.No.11251/2019

State rep by
The Inspector of Police,
Irumbalai Police Station,
Irumbalai,
Salem District.

..Respondent in
Crl.O.P.No.11255/2019

State Rep by
The Inspector of Police,
Mangalapuram Police Station,
Mangalapuram,
Namakkal District.

..Respondent in
Crl.O.P.No.11262/2019

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) Sankaragoundampalayam Arulmigu Sree Sakthi Mariamman Temple Festival at Bhavani Taluk, Erode District on 01.05.2019 between 06.00PM to 11.00PM by considering the Petitioner's representation dated 22/04/2019 (ii) Thangamedu Arulmigu Sree Makaliyamman Temple Festival at Perundurai Taluk, Erode District on 03.05.2019 between 06.00 p.m to 11.00 p.m by considering the petitioner's representation on 22.04.2019 (iii) Vattamuthampatti, Puducolony Arulmigu Sree Salangai Mariamman Temple festival at Salem Taluk & District on 05.05.2019 between 06.00PM to 11.00PM by considering the Petitioner's representation dated 22.04.2019 (iv) Anna Nagar Arulmigu Sree Mariamman Temple Festival at Rasipuram Taluk, Namakkal District on 08.05.2019 between 06.00 PM to 11.00 PM by considering the Petitioner's representation dated 22.04.2019.

For Petitioners : Mr.A.Sathishkumar
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) Sankaragoundampalayam Arulmigu Sree Sakthi Mariamman Temple Festival at Bhavani Taluk, Erode District on 01.05.2019 (ii) Thangamedu Arulmigu Sree Makaliyamman Temple Festival at Perundurai Taluk, Erode District on 03.05.2019 (iii) Vattamuthampatti, Puducolony Arulmigu Sree Salangai Mariamman Temple festival at Salem Taluk & District on 05.05.2019 (iv) Anna Nagar Arulmigu Sree Mariamman Temple Festival at Rasipuram Taluk, Namakkal District on 08.05.2019, the petitioners made representation dated 22.04.2019 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) Sankaragoundampalayam Arulmigu Sree Sakthi Mariamman Temple Festival at Bhavani Taluk, Erode District on 01.05.2019 (ii) Thangamedu Arulmigu Sree Makaliamman Temple Festival at Perundurai Taluk, Erode District on 03.05.2019 (iii) Vattamuthampatti, Puducolony Arulmigu Sree Salangai Mariamman Temple festival at Salem Taluk & District on 05.05.2019 (iv) Anna Nagar Arulmigu Sree Mariamman Temple Festival at Rasipuram Taluk, Namakkal District on 08.05.2019 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) Sankaragoundampalayam Arulmigu Sree Sakthi Mariamman Temple Festival at Bhavani Taluk, Erode District on 01.05.2019 (ii) Thangamedu Arulmigu Sree Makaliamman Temple Festival at Perundurai Taluk, Erode District on 03.05.2019 (iii) Vattamuthampatti, Puducolony Arulmigu Sree Salangai Mariamman Temple festival at Salem Taluk & District on 05.05.2019 (iv) Anna Nagar Arulmigu Sree Mariamman Temple Festival at Rasipuram Taluk, Namakkal District on 08.05.2019, 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(CCC)

//True Copy//

Sub Assistant Registrar

mpa

To

1. The Inspector of Police,
Bhavani Police Station,
Bhavani,
Erode District.
2. The Inspector of Police,
Kangikovil Police Station,
Kangikovil,
Erode District.
3. The Inspector of Police,
Irumbalai Police Station,
Irumbalai,
Salem District.
4. The Inspector of Police,
Mangalapuram Police Station,
Mangalapuram,
Namakkal District.
5. The Public Prosecutor,
High Court, Madras.

+4cc to Mr.A.Sathishkumar, Advocate, S.R.No.40718,
40719, 10707, 10708

Cr1.O.P.Nos.11243, 11251, 11255
and 11262 of 2019

SPD(CO)
CS/27/04/2019