

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.11611, 11613 and 11616 of 2019

G.Manickaraja

... Petitioner in
Crl.O.P.No.11611 of 2019

G.Boopathi

... Petitioner in
Crl.O.P.No.11613 of 2019

C.Loganathan

... Petitioner in
Crl.O.P.No.11616 of 2019

Versus

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

... Respondents in
Crl.O.P.No.11611 of 2019

State rep by
The Inspector of Police,
Erumpatti Police Station,
Erumpatti,
Namakkal District.

... Respondents in
Crl.O.P.No.11613 of 2019

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

... Respondents in
Crl.O.P.No.11616 of 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) Thesavilakku Village, Karuthanur Arulmigu Sree Samayaburathu Mariamman Temple Festival at Omalur Taluk, Salem District on 01.05.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 24.04.2019 (ii) Erumapatti Arulmigu Sree Maha Mariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 06.05.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 24.04.2019 (iii) Vaniputhur Arulmigu Sree Elumalayan Temple Festival at Gobichettipalayam Taluk, Erode District on 16.05.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 24.04.2019 respectively.

For Petitioner : Mr.A.Sathishkumar
in all Crl.O.Ps

For Respondent : Mr.M.Mohammed Riyaz
in all Crl.O.Ps Additional Public Prosecutor

C O M M O N O R D E R

Seeking permission to conduct cultural programme in the event of (i) Thesavilakku Village, Karuthanur Arulmigu Sree Samayaburathu Mariamman Temple Festival at Omalur Taluk, Salem District on 01.05.2019 (ii) Erumapatti Arulmigu Sree Maha Mariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 06.05.2019 (iii) Vaniputhur Arulmigu Sree Elumalayan Temple Festival at Gobichettipalayam Taluk, Erode District on 16.05.2019 the petitioners made a representation dated 24.04.2019 the petitioners made a representation dated 24.04.2019 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 Additional Public Prosecutor appearing for the respondents.

3. 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 representations. 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 petitioners are permitted to conduct cultural programme in

the event of (i) Thesavilakku Village, Karuthanur Arulmigu Sree Samayaburathu Mariamman Temple Festival at Omalur Taluk, Salem District on 01.05.2019 (ii) Erumapatti Arulmigu Sree Maha Mariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 06.05.2019 (iii) Vaniputhur Arulmigu Sree Elumalayan Temple Festival at Gobichettipalayam Taluk, Erode District on 16.05.2019, however with the following conditions:-

(a) Each petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) as charges, to the respective respondent Police and on receipt of the same, the respondent Police is directed to issue receipt and proceed further.

(b) The cultural programme in connection with the event of (i) Thesavilakku Village, Karuthanur Arulmigu Sree Samayaburathu Mariamman Temple Festival at Omalur Taluk, Salem District on 01.05.2019 (ii) Erumapatti Arulmigu Sree Maha Mariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 06.05.2019 (iii) Vaniputhur Arulmigu Sree Elumalayan Temple Festival at Gobichettipalayam Taluk, Erode District on 16.05.2019, 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 function 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.

5. With the above directions, these Criminal Original Petitions stands allowed.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector of Police,
Tharamangalam Police Station,
Tharamangalam,
Salem District.
2. The Inspector of Police,
Erumapatti Police Station,
Erumapatti,
Namakkal District.
3. The Inspector of Police,
Bangalapudur Police Station,
Bangalapudur,
Erode District.
4. The Public Prosecutor
High Court, Madras.

+3ccs to Mr.A.Sathishkumar, Advocate, S.R.No.41435 to 41437

Crl.O.P.Nos.11611, 11613
and 11616 of 2019

RV (CO)

RRS (29/04/2019)



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