

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.11936, 11938, 11940 and 11942 of 2019

S.Sekar

.. Petitioner in Crl.O.P.No.11936/2019

K.Raja

.. Petitioner in Crl.O.P.No.11938/2019

S.Rasu

.. Petitioner in Crl.O.P.No.11940/2019

T.Thimmaraj

.. Petitioner in Crl.O.P.No.11942/2019

Vs.

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

.. Respondent in Crl.O.P.No.11936/2019

State Rep by
The Inspector of Police,
Omalur Police Station,
Omalur,
Salem District.

.. Respondent in
Crl.O.P.No.11938/2019

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

..Respondent in
Crl.O.P.No.11940/2019

State Rep by
The Inspector of Police,
Sulagiri Police Station,
Sulagiri,
Krishnagiri District.

..Respondent in
Crl.O.P.No.11942/2019

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 (AdalPadalNigalchi) in the event of (i) Mochanur Arulmigu Sree Ponkaliasman & Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 08.05.2019 between 06.00PM to 11.00PM by considering the Petitioner's representation dated 26.04.2019 (ii) Thathiyampatti, Adhi Dravidar Colony Arulmigu Sree Poomariamman Temple Festival at Kadaiyampatti Taluk, Salem District on 08.05.2019 between 06.00PM to 11.00PM by considering the Petitioner's representation dated 27.04.2019 (iii) Vadugapatti Arulmigu Sree Mariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 14.05.2019 between 06.00PM to 11.00PM by considering the Petitioner's representation dated 27.04.2019 (iv) Kottaiyur Village, Ambedkar Nagar Arulmigu Sree Muneswaran Temple Festival at Sulagiri Taluk, Krishnagiri District on 09.05.2019 between 06.00PM to 11.00PM by considering the Petitioner's representation dated 26.04.2019.

For Petitioners: Mr.A.Sathishkumar

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

C O M M O N O R D E R

Seeking permission to conduct cultural programmes in the event of (i) Mochanur Arulmigu Sree Ponkaliasman & Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 08.05.2019 (ii) Thathiyampatti, Adhi Dravidar Colony Arulmigu Sree Poomariamman Temple Festival at Kadaiyampatti Taluk, Salem District on 08.05.2019 (iii) Vadugapatti Arulmigu Sree Mariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 14.05.2019 (iv) Kottaiyur Village, Ambedkar Nagar Arulmigu Sree Muneswaran Temple Festival at Sulagiri Taluk, Krishnagiri District on 09.05.2019, the petitioners made representation dated 26.04.2019 and 27.04.2019 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) Mochanur Arulmigu Sree Ponkaliasman & Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 08.05.2019 (ii) Thathiyampatti, Adhi Dravidar Colony Arulmigu Sree Poomariamman Temple Festival at Kadaiyampatti Taluk, Salem District on 08.05.2019 (iii) Vadugapatti Arulmigu Sree Mariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 14.05.2019 (iv) Kottaiyur Village, Ambedkar Nagar Arulmigu Sree Muneswaran Temple Festival at Sulagiri Taluk, Krishnagiri District on 09.05.2019, 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) Mochanur Arulmigu Sree Ponkaliasman & Mariamman Temple Festival at Tiruchengode Taluk, Namakkal District on 08.05.2019 (ii) Thathiyampatti, Adhi Dravidar Colony Arulmigu Sree Poomariamman Temple Festival at Kadaiyampatti Taluk, Salem District on 08.05.2019 (iii) Vadugapatti Arulmigu Sree Mariamman Temple Festival at Senthamangalam Taluk, Namakkal District on 14.05.2019 (iv) Kottaiyur Village, Ambedkar Nagar Arulmigu Sree Muneswaran Temple Festival at Sulagiri Taluk, Krishnagiri District on 09.05.2019, 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.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

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

2.The Inspector of Police,
Omalur Police Station,
Omalur,
Salem District.

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

4.The Inspector of Police,
Sulagiri Police Station,
Sulagiri,
Krishnagiri District.

5.The Public Prosecutor,
High Court, Madras.

+4 Ccs to Mr.A.Sathishkumar, Advocate sr 43112, 43113, 43114 & 43115.

CrI.O.P.Nos.11936, 11938, 11940 and 11942 of 2019

PMS (CO)
SP(03/05/2019)