

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.12126 and 12128 of 2019

Vanjinathan

.. Petitioner
in Crl.O.P.No.12126/2019

N.Balasubramaniam

.. Petitioner
in Crl.O.P.No.12128/2019

Vs.

1.The Superintendent of Police,
Namakkal District,
Namakkal.

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

.. Respondent in Crl.O.P.No.12126/2019

1.The Superintendent of Police,
Salem District, Salem.

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

.. Respondent in Crl.O.P.No.12128/2019

Common Prayer: Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, to direct the second respondent to give Bandobust and permission to conduct Cultural programme (Adal Padal) in the event of (i) Arulmighu Sri Pottanam Maha Mariamman Temple Festival at Pottanam Post, Namakkal District on 16.05.2019 by considering the Petitioner's representation dated 28.04.2019 (ii) Arulmighu Sakthi Mariamman Temple Festival at K.N.Patty, (Sondappanaickenpatti), Kannankurichi Post, Salem District on 07.05.2019 by considering the Petitioner's representation dated 28.04.2019.

For Petitioners	: Mr.M.Selvam
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) Arulmighu Sri Pottanam Maha Mariamman Temple Festival at Pottanam Post, Namakkal District on 16.05.2019 (ii) Arulmighu Sakthi Mariamman Temple Festival at K.N.Patty, (Sondappanaickenpatti), Kannankurichi Post, Salem District on 07.05.2019, the petitioners made representation dated 28.04.2019 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) Arulmighu Sri Pottanam Maha Mariamman Temple Festival at Pottanam Post, Namakkal District on 16.05.2019 (ii) Arulmighu Sakthi Mariamman Temple Festival at K.N.Patty, (Sondappanaickenpatti), Kannankurichi Post, Salem District on 07.05.2019, 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) Arulmighu Sri Pottanam Maha Mariamman Temple Festival at Pottanam Post, Namakkal District on 16.05.2019 (ii) Arulmighu Sakthi Mariamman Temple Festival at K.N.Patty, (Sondappanaickenpatti), Kannankurichi Post, Salem District on 07.05.2019, 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 Superintendent of Police,
Namakkal District,
Namakkal.
- 2.The Inspector of Police,
Senthamangalam Police Station,
Namakkal District.
- 3.The Superintendent of Police,
Salem District, Salem.
- 4.The Inspector of Police,
Kannankurichi Police Station,
Salem District.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr. M.Selvam, Advocate, S.R.No. 42736

Cr1.O.P.Nos.12126 and 12128 of 2019

PP(CO)
GN(03/05/2019)