

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.12084 and 12087 of 2019

Sundarajan

.. Petitioner in
Crl.O.P.No.12084/2019

M.Shanmugam

.. Petitioner in
Crl.O.P.No.12087/2019

Vs.

The Inspector of Police,
Panamarathupatti Police Station,
Salem District.

.. Respondent in
Crl.O.P.No.12084/2019

The Sub Inspector of Police,
Karipatti Police Station,
Salem District.

.. Respondent in
Crl.O.P.No.12087/2019

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) in the event of (i) Thippampatti Village Arulmighu Sri Periya Mariamman Temple Festival at Salem District on 09.05.2019 by considering the Petitioner's representation dated 29.04.2019 (ii) Periyagoundapuram Village Sri Mariamman Temple Festival at Salem District on 11.05.2019 by considering the Petitioner's representation dated 28.04.2019.

For Petitioners: Mr.R.P.Muruganraja

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) Thippampatti Village Arulmighu Sri Periya Mariamman Temple Festival at Salem District on 09.05.2019 (ii) Periyagoundapuram Village Sri Mariamman Temple Festival at Salem District on 11.05.2019, the petitioners made representation dated 28.04.2019, and 29.04.2019 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) Thippampatti Village Arulmighu Sri Periya Mariamman Temple Festival at Salem District on 09.05.2019 (ii) Periyagoundapuram Village Sri Mariamman Temple Festival at Salem District on 11.05.2019, 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) Thippampatti Village Arulmighu Sri Periya Mariamman Temple Festival at Salem District on 09.05.2019 (ii) Periyagoundapuram Village Sri Mariamman Temple Festival at Salem District on 11.05.2019, 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(CO)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
Panamarathupatti Police Station,
Salem District.

2.The Sub Inspector of Police,
Karipatti Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

+2 Ccs to Mr.R.P.Muruganraja, Advocate sr 42772, 42771.

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MG(CO)
SP(07/05/2019)