



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.1314 of 2017

R.V.Chelladurai

.. Petitioner

Vs.

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

2.The Inspector of Police,
Achanputhoor Police Station,
Achanputhoor, Tirunelveli District.

3.The Sub-Inspector of Police,
Elathur Police Station,
Elathur, Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Impugned Proceedings dated NIL of the third respondent and to quash the same, consequently directing the respondents 2 and 3 to grant permission and necessary protection to perform "Chenda Melam" on 31.01.2017 at 12.00 p.m. and 04.30 p.m. in the eve of Arulmighu Alagiya Nayagi Amman Thirukovil "Kodaivizha" at Elathur Keela Street, Tenkasi, Tirunelveli District.

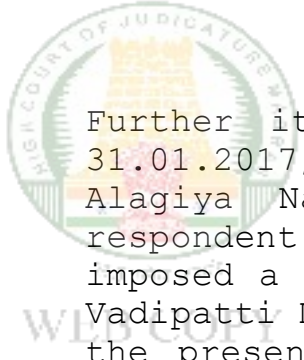
For Petitioner
For Respondents

: Mr.V.Manikandan
: Mr.M.Govindan,
Special Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the order passed by the third respondent and quash the same, by way of issuing a writ of certiorarified mandamus.



Further it is averred in the petition that on 30.01.2017 and 31.01.2017, a festival is going to be conducted in Arulmighu Alagiya Nayagi Amman Temple and to that extent, the third respondent has given permission. But the third respondent has imposed a condition to the effect that drum set, Chenda Melam and Vadipatti Melam should not be used. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents.

4.It is seen from the impugned order that the festival mentioned in the petition is going to be conducted at 12.00 Noon. It is also seen from the impugned order that the third respondent as Condition No.6 has imposed the condition mentioned supra.

5.Considering the time of festival and also considering the fact that by way of utilising the instruments mentioned in Condition No.6, nobody is going to be affected, this Court is of the view to quash Condition No.6 passed by the third respondent and therefore the present writ petition is liable to be allowed.

6.In fine, this writ petition is allowed without costs and Condition No.6 imposed in the impugned order is quashed and permitted to use Chenda Melam during festival.

Sd/-

Assistant Registrar ((CSI)

/True Copy/

Sub Assistant Registrar

smn

To

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.n

2.The Inspector of Police,
Achanputhoor Police Station,
Achanputhoor, Tirunelveli District.

3.The Sub-Inspector of Police,
Elathur Police Station, Elathur, Tirunelveli District.

+1 cc to Mr.V.Manikandan ,Advocate, Sr.No: 4443
JAM/27.01.2017/SKN/SAR 3 /2p-5c