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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2017

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.15186 of 2017

Suriyakumar

... Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli.

2.State represented by
The Inspector of Police,
Ervadi Police Station,
Ervadi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to give the permission, police protection for conducting the Special Pooja events on 01.09.2017 from 10.00 p.m to 2.00 a.m of 02.09.2017 and 08.09.2017 from 10.00 p.m to 2.00a.m of 09.09.2017 at "Arulmigu Sri Othapanai Sudalaiyandavar Thirukovil situated at Thiruvenkatanathapuram, Sirumalanji, Nanguneri Taluk, Tirunelveli District based upon the petitioner's representation dated 03.08.2017.

For Petitioner : Mr.P.Banuprasath
For Respondents : Mr.Sadhishkumar,
Additional Government Pleader.

O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondents herein to give permission and police protection for conducting the Special Pooja events on 01.09.2017 from 10.00 p.m to 2.00 a.m on 02.09.2017 and 08.09.2017 from 10.00 p.m to 2.00 a.m of 09.09.2017 at "Arulmigu Sri Othapanai Sudalaiyandavar Thirukovil situated at Thiruvenkatanathapuram, Sirumalanji, Nanguneri Taluk, Tirunelveli District based upon the petitioner's representation dated 03.08.2017.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.The learned counsel for the petitioner submitted that the villagers jointly decided to conduct the Special Pooja events on



01.09.2017 from 10.00 p.m to 2.00 a.m of 02.09.2017 and 08.09.2017 from 10.00 p.m to 2.00 a.m of 09.09.2017 at "Arulmigu Sri Othapanai Sudalaiyandavar Thirukovil situated at Thiruvankatanathapuram, Sirumalanji, Nanguneri Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the first respondent on 03.08.2017 with a request to grant permission and protection to conduct the programme on the above said dates.

4.The grievance of the petitioner is that the first respondent has granted permission for conducting the programme by order dated 11.08.2017. Though permission was granted by the Assistant Superintendent of Police, by order dated 11.08.2017, the grievance of the petitioner is that he has imposed restriction and conditions regarding the time within which the petitioner is expected to complete the programme.

5.The learned counsel for the petitioner submitted that on 01.09.2017 and 08.09.2017, the petitioner should be permitted to conduct the religious function in relation to the temple festival beyond the usual time and should be allowed to conduct the programme up to 2.00 a.m on the next day.

6.Considering the nature of the grievance expressed by the learned counsel for the petitioner, this Court is of the view that the request of the petitioner can also be considered by the first respondent. The first respondent is directed to consider the representation of the petitioner as to grant permission to the petitioner to use the Mike set and loud speakers till 2.00 a.m on the next day, only for the programmes that are organised by the petitioner on 01.09.2017 and on 08.09.2017, subject to any other reasonable restrictions or conditions which are required in the interest of maintenance of law and order and public harmony.

7.Except the above modification of the order passed by the Assistant Superintendent of Police, dated 11.08.2017, rest of the conditions imposed by the second respondent in the order will be intact.

8.In view of the direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RECORD)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Office of the Superintendent of Police,

<https://hcservices.ecourts.gov.in/hcservices/>

Tirunelveli.



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

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+1cc to M/s.P.BANUPRASATH Advocate in SR. No.73566
DSS/CMR
JS/JC/SAR.4/29.08.2017/3P-4C

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21.08.2017