



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017
CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.16883 of 2017

P.Daniel

... Petitioner

-Vs-

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Assistant Superintendent of Police,
Nanguneri Division (I/c),
Cheranmahadevi Division,
Tirunelveli District.
3. The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.

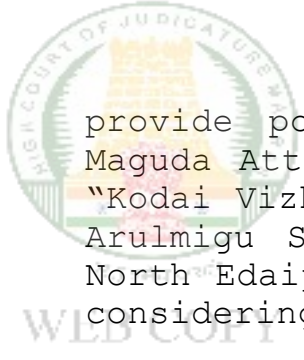
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the rejection order of the 2nd respondent in Na.Ka.NO.74/Se.Mu.Aa/vu.Kaa.Ka/Serai/2017, dated 29.08.2017 and quash the same and consequently direct the respondents to grant permission and protection for "Villisai Program", Mathiyakodai, Maguda Attam, Saamakodai Programs with speaker in connection with "Kodai Vizha" scheduled to be held on 11.09.2017 at 9.00 p.m., & 12.09.2017 at 5.00 p.m., to 10.00 p.m., at Arulmigu Sri Pathirakaliammal Thirukovil at Ulagankulam Village, North Edaiyankulam, Ambasamuthiram Taluk, Tirunelvlli District by considering the petitioner's representation dated 21.08.2017.

For Petitioner : Ms.C.R.Ponnuthai
For Respondents : Mr.S.Sadhish Kumar,
Additional Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, calling for the records pertaining to the rejection order of the 2nd respondent in Na.Ka.NO.74/Se.Mu.Aa/vu.Kaa.Ka/Serai/ 2017, dated 29.08.2017 and consequently directing the respondents to grant permission and



provide police protection for "Villisai Program", Mathiyakodai, Maguda Attam, Saamakodai Programs with speaker in connection with "Kodai Vizha" scheduled to be held on 11.09.2017 & 12.09.2017 in Arulmigu Sri Pathirakaliammal Thirukovil at Ulagankulam Village, North Edaiyankulam, Ambasamuthiram Taluk, Tirunelveli District, by considering the petitioner's representation dated 21.08.2017.

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 "Villisai Program", Mathiyakodai, Maguda Attam, Saamakodai Programs with speaker in connection with "Kodai Vizha" scheduled to be held on 11.09.2017 & 12.09.2017 in Arulmigu Sri Pathirakaliammal Thirukovil at Ulagankulam Village, North Edaiyankulam, Ambasamuthiram Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondent on 21.08.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the second respondent police passed the impugned order, dated 29.08.2017, permitting the petitioner subject to certain conditions. Aggrieved over the conditions imposed by the second respondent police, the petitioner is before this Court with this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents submitted that this Court may grant permission to the petitioner subject to stringent conditions.

5. It is seen that the petitioner has submitted the representation on 21.08.2017. However, by the impugned order, dated 29.08.2017, the second respondent has granted permission subject to certain conditions that the petitioner should be agreed to abide by the terms and conditions of the order, dated 29.08.2017. The grievance of the petitioner is only about the restriction of time for using mike set and loudspeakers. As per the impugned order, the petitioner is not permitted to use mike set and loud speaker beyond 10.00 p.m. It is also stated that the mike set and loud speaker shall not be used continuously for more than three hours.

6. Having regard to the fact that the programmes are organised by villagers in relation to temple festival, this Court is of the view that the conditions can be relaxed in the following manner:

"The petitioner shall complete all cultural programs in all days before 10.30 p.m., or as may be specifically permitted by the respondents 2 and 3 and with regard to other conditions as indicated in the impugned order will be intact."



7.It is open to the respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting up any Flex Boards representing any community.

8.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Assistant Superintendent of Police,
Nanguneri Division (I/c),
Cheranmahadevi Division,
Tirunelveli District.
3. The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.

+1cc to M/S. C.R.PONNUTHAI, Advocate, SR.No.77223.

W.P. (MD) No.16883 of 2017
07.09.2017

RMI/LS

SDS/RSK/SAR 1/08.09.2017/3P/5C